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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

BRIAN CHRISTOPHER MOCK,

Defendant(s).

Criminal Case

No. 21-00444 (JEB)

Washington, D.C.

July 11, 2023

-----  
BENCH TRIAL - DAY 4  
BEFORE THE HONORABLE JAMES E. BOASBERG  
UNITED STATES DISTRICT CHIEF JUDGE

APPEARANCES:

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WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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1 The following proceedings began at 9:33 a.m.:

2 THE COURT: Good morning, everybody.

3 MR. GORDON: Good morning.

4 THE COURTROOM DEPUTY: Good morning, everyone. We are  
5 back again for the bench trial in Criminal Action 21-444, the  
6 United States of America versus Brian Christopher Mock.

7 Beginning with counsel for the government, please  
8 approach the lectern and identify yourself for the record.

9 MR. GORDON: Good morning, Your Honor. Mike Gordon  
10 for the United States, along with AUSA Trial Attorney Michael  
11 Jones and Special Agent Beth Alvarez.

12 THE COURT: Good morning to you folks.

13 MR. MOCK: Brian Mock for the defense representing  
14 myself pro se.

15 THE COURT: Okay. Good morning to you. And you have  
16 also got Mr. Moyers as standby counsel. Good morning,  
17 Mr. Moyers.

18 Mr. Mock has filed a motion to dismiss the indictment.  
19 I saw that. The government can respond if it wishes.

20 I think it hasn't been -- we are going to get that  
21 docketed. I think we just got it filed, and we will have it  
22 docketed shortly.

23 MR. GORDON: We did not receive a copy of that, Your  
24 Honor.

25 THE COURT: Okay. Did you email the government a

1 copy, Mr. Mock?

2 MR. MOCK: I did not.

3 THE COURT: Okay. So you got to do that.

4 MR. MOCK: I filed that, yes, sir.

5 THE COURT: Okay. But you need to -- anytime you file  
6 anything, you need to serve the government, and you can do that  
7 by email is fine.

8 MR. MOCK: Okay.

9 THE COURT: All right. So we are in the middle of  
10 Mr. Mock's direct. Are there any preliminary issues before we  
11 resume, Mr. Gordon?

12 MR. GORDON: There is one, Your Honor. So last night  
13 Mr. Mock sent us a copy of his exhibit list. There's 60  
14 exhibits on it.

15 THE COURT: I'm sorry, 6-0?

16 MR. GORDON: 6-0. Exhibits 1 and 2 are listed as just  
17 that, Exhibit 1 and 2 with no explanation of what those are.

18 3 and 4 are Facebook posts and text messages that if  
19 they are not ones the government has already admitted, we are  
20 going to be objecting to as hearsay.

21 Then Exhibits 6 through 60 are video, but they are  
22 listed with things like open source video, Parlor, 1259. So we  
23 don't know what those are. They weren't uploaded to USAfx so  
24 we could review them.

25 So, you know, it's a bit of a logistical issue because

1 we won't know what they are until we start seeing them. We  
2 could have relevancy objections as we go.

3 THE COURT: I will certainly permit you to object to  
4 the extent that you wish as he seeks to introduce them.

5 MR. GORDON: There are some that I can sort of tell  
6 already are likely to generate relevancy objections, ones that  
7 are labeled things like police brutality or -- so No. 39 is  
8 labeled BWC, a code, and then 226 police brutality. 41 is  
9 listed as open source video, Rodney King style police  
10 brutality.

11 You know, depending on what that is, that's unlikely  
12 to be irrelevant.

13 THE COURT: Okay. Thank you.

14 Mr. Mock, anything preliminary?

15 MR. MOCK: Yes, a few things. As far as the videos  
16 goes, all of those were provided to me by the government. The  
17 only exception to the open source videos were ones from what  
18 Parlor saw during January 6, which the government has  
19 introduced videos from that very website on there, so basically  
20 it's in chronological order.

21 THE COURT: I don't think it's an authenticity  
22 objection. I think it's a relevancy objection. So we will see  
23 how all of that goes.

24 MR. MOCK: I have very little time, and I plan on  
25 using it wisely. There are a few other issues that I need to

1 get to, one of which, he actually touched on, is a discovery  
2 issue.

3           When I left, I was given access to USAfx. The only  
4 discovery that I had access to on there was the government  
5 exhibits. I have been trying to get access to evidence.com to  
6 be able to download videos to be able to present here today. I  
7 was -- I have been unsuccessful.

8           Today is the first time I have seen or spoken to my  
9 standby counsel. I have sent texts, made phone calls, and have  
10 not had any follow-up. I have asked him for specific videos  
11 that have not been downloaded to me that I needed to have here  
12 today. I was told by Mr. Gordon that I am a defendant and,  
13 therefore, not entitled to access to those videos on  
14 evidence.com. I have to go to my standby counsel to do so.

15           THE COURT: Well, discovery issues, we are long past  
16 that here in trial, so I am not going to revisit any discovery  
17 issues at this point.

18           MR. MOCK: Okay. The other issues here that I have  
19 are that I have a number of Brady violations right now that  
20 need to get addressed --

21           THE COURT: Okay.

22           MR. MOCK: -- that have not been brought to me.

23           THE COURT: Okay.

24           MR. MOCK: This is new evidence that I was just made  
25 aware of. This was filed to the government on 11/30/22. This

1 is a declaration by Troy Smocks. That is Defense Exhibit --

2 THE COURT: By whom?

3 MR. MOCK: Troy Smocks.

4 THE COURT: Can you spell that name.

5 MR. MOCK: S-M-O-C-K-S.

6 THE COURT: Okay.

7 MR. MOCK: The other exhibit, No. 65, is a writ for  
8 habeas corpus that was filed in the Northern District of Texas  
9 on the same date.

10 Now, the government had these. They did not -- these  
11 declarations at this point were unanswered. They were received  
12 by the government. At this point they are accepted as truth.

13 These were not presented to me at any point in this  
14 trial. One of the items in here is he makes a quote in here  
15 where he says, Morris, did you -- this is Mr. Smock's  
16 overhearing four officers prior to any of the events of  
17 January 6 saying, Did you get that shit from Capitol Police  
18 talking about the mission change? Now, we ain't supposed to  
19 fuck up the Trump supporters. We only supposed to fuck up the  
20 anti-Trump supporters. What the fuck is that supposed to mean?  
21 How are we going to know the difference?

22 The female officer then responded, When they call me  
23 and I put all that shit on, I'm going to go over there and fuck  
24 all of them up. If they bring their dumb white asses over to  
25 the Capitol, I'm fucking them up.

1           Now, I filed a motion to dismiss my charges before,  
2 which the Court has seen and rejected. However, within that  
3 motion, the radio call that went out here matches exactly this  
4 declaration.

5           THE COURT: This declaration isn't remotely Brady,  
6 so --

7           MR. MOCK: This was uncontested by the government, so  
8 therefore, it is taken as fact and was delivered to the  
9 government.

10          THE COURT: Well, it doesn't have to be accepted as  
11 true. In other words, to be Brady, it doesn't even have to  
12 reach that threshold. It could be a witness who testifies to  
13 something that's exculpatory, and I wouldn't have to find that  
14 witness credible or the matter true if it was exculpatory. It  
15 would still be Brady. This is not Brady.

16          MR. MOCK: Well, this would have changed how I  
17 presented this case because as far as what I presented  
18 initially to the Court in that motion was that the police,  
19 their idea of this was that they were going to attack anybody  
20 that came down there. They were viewing all Trump supporters  
21 as being a threat to them before anybody came anywhere near the  
22 Capitol at 6:00 in the morning.

23          So if it's 6:00 in the morning, these officers were  
24 talking about, quote, beating the shit out of them if anybody  
25 comes down there, there's racial bias in this, first off.



1 Secondly, they are saying that they are going to attack people  
2 for walking down to the Capitol.

3 That was one of the points that I was making in that.  
4 That starts to get into an entrapment and self-defense issue,  
5 which I was not able to bring as a defense because this wasn't  
6 provided to me at any point. And the government had this.

7 THE COURT: You can argue -- you want to argue  
8 self-defense? You can argue self-defense. This is not Brady  
9 information.

10 MR. MOCK: Okay. The other items that they have not  
11 provided at this point I have asked for repeatedly, notes from  
12 the 302 reports from FBI Agent Alvarez. We had gotten them for  
13 the 302 with Misty Visnovec, which was --

14 THE COURT: You are talking about discovery?

15 MR. MOCK: Yes.

16 THE COURT: As I said, I am not revisiting discovery  
17 issues. We are in the middle of trial. If they are Brady  
18 violations, I am happy to revisit those at any point, but I am  
19 not revisiting discovery disputes during the defense case at  
20 trial.

21 MR. MOCK: These were Brady demands that I've made  
22 going back to when William Shipley had --

23 THE COURT: What's the exculpatory nature of her  
24 notes?

25 MR. MOCK: At this point with what we have seen with

1 Officer Karlsen's on the one 302 that we received is that her  
2 notes did not match the 302 report nor his testimony.

3 THE COURT: Again, then you can -- again, if they are  
4 inconsistent statements, you may use those to impeach. Well,  
5 you can't because the cross-examination is already finished of  
6 those. But that was a route that was available to your  
7 counsel.

8 MR. MOCK: That's the issue that I have right now is I  
9 let Mr. Peters (sic) go for ineffective counsel. These were  
10 issues that I raised to him to raise to the Court that were  
11 never done.

12 THE COURT: Again, if you want to raise an  
13 ineffectiveness claim down the road, you can do so. But it  
14 doesn't -- at this point the government's case is over, and we  
15 are not bringing people back to cross-examine them. You had  
16 that opportunity. Your lawyer had that opportunity. He didn't  
17 do it to the extent you wished. That's now gone.

18 MR. MOCK: Okay. At this point, I'm assuming the  
19 Court -- I would like to make an oral argument for Rule 29 if  
20 that --

21 THE COURT: Too late.

22 MR. MOCK: Okay. Fair enough.

23 THE COURT: But, again, you will be able to make  
24 whatever argument regarding that -- you can make a motion for  
25 judgment of acquittal at the end of the defense case, and then

1 you can obviously make oral argument -- I'm sorry, you can make  
2 closing argument regarding anything you wish at the end of the  
3 trial.

4 Okay. So why don't you resume the stand, and you can  
5 continue your direct testimony.

6 DIRECT EXAMINATION (Resumed)

7 MR. MOCK: Am I able to plug in up here?

8 THE COURTROOM DEPUTY: No.

9 THE COURT: So you want to testify and show exhibits?

10 MR. MOCK: Correct.

11 THE COURT: I will just let you do that from the  
12 podium.

13 MR. MOCK: Okay. Fair enough.

14 I know that the government is going to have its  
15 objections. The defense would like to enter in Exhibit 5, cell  
16 phone pictures.

17 I guess no objection.

18 THE COURT: All right. So we have to see what they  
19 are. The government has to see what they are first. Why don't  
20 you show them.

21 MR. MOCK: The first three pictures are from me --  
22 excuse me, four pictures on here are from me not on January 6.

23 THE COURT: Pictures of you or pictures you took?

24 MR. MOCK: They are pictures of me.

25 THE COURT: Okay.

1 MR. MOCK: One, you can see, is me standing next to a  
2 cardboard cutout of President Trump. Around my neck I am  
3 wearing a gaiter mask. It's the same one I wore on January 6.

4 There's a picture of December 12 when I was at the  
5 rally walking close to the police officer, and there was a  
6 march I was going to join because I was late to the party  
7 apparently that was walking down to the Capitol.

8 And then the following day, the 13th, you can see that  
9 I'm wearing that same gator mask when we were in Annapolis for  
10 that day. I wanted to point that out because it was actually  
11 pointed out to me that people questioned why you had a mask on  
12 during COVID. This is the same outfit basically that I was  
13 wearing the day that I was at the Capitol.

14 THE COURT: I will admit those exhibits. Those are  
15 Defense 5?

16 MR. MOCK: Yes.

17 THE COURT: Okay. I will admit those.

18 (Defendant's 5 received in evidence.)

19 MR. MOCK: Also on there is a screenshot of patriot  
20 party logo, and I will touch on that relevance in a minute. I  
21 just want to show that I did have that in my phone from -- this  
22 was a copy of a Facebook post.

23 The rest of these I'll address later in Facebook  
24 unless there's an issue with that.

25 Defense would like to enter in Exhibit 3, which are

1 Facebook posts which complete what the government has already  
2 entered.

3 THE COURT: From when?

4 MR. MOCK: Excuse me. These are Facebook posts. The  
5 government had already entered some of these. These complete  
6 the comments that they had entered.

7 THE COURT: All right. If it's based on completeness,  
8 I will admit them.

9 MR. MOCK: I would like to point out the first item  
10 that you are looking at here is Defense Exhibit 3A. This is a  
11 list here of the various accounts that I had subscribed to. In  
12 that you will see the patriot party and patriot party of  
13 America, along with a number of other ones that I subscribed  
14 to.

15 MR. JONES: Your Honor, I'm unsure of the completeness  
16 argument here.

17 THE COURT: This one, I'm not sure of it either. But  
18 I thought that they were posts that you are saying that fully  
19 flesh out what the government --

20 MR. MOCK: Yes, this will have its relevance in a  
21 minute. I just want to show --

22 THE COURT: This couldn't be hearsay because it's not  
23 admitted for the truth. So go ahead.

24 MR. MOCK: I wanted to take this just in order of the  
25 dates based on what had been said by the prosecution.

1           On 11/15, I received a post from Sheila because we  
2 were joking about the kinds of people who were talking about  
3 civil war, and here we were joking around, Why do adult males  
4 who can't run a mile act like they're ready for civil war?  
5 Looking at you, meal team 6 --

6           (There was an interruption by the court reporter.)

7           MR. MOCK: Why do adult males who can't run a mile act  
8 like they're ready for civil war? Looking at you meal team 6.  
9 You too, gravy seals.

10           I in no way was taking anybody seriously who was  
11 talking about any sort of violence or civil war.

12           On 11/18, I reposted a post by Dan Crenshaw that said,  
13 Biden supporters faced with a loss geared up for riots.  
14 Businesses boarded up in fear. Trump supporters faced with a  
15 loss geared up to fight in court. Media elites can stop finger  
16 wagging at folks using the legitimate process to make their  
17 case. Okay.

18           MR. JONES: Your Honor, hearsay objections. This is  
19 not completeness.

20           THE COURT: Not admitted for the truth, right?

21           MR. JONES: It's unclear what it's being admitted for,  
22 but --

23           THE COURT: Well, that's a relevance issue, but it's  
24 not admitted for the truth. It's admitted for his state of  
25 mind. I agree with you it's not completeness, but it's not

1 admitted for the truth. So when there's something he seeks to  
2 admit for the truth, then we can see if it's completeness.

3 MR. MOCK: Defense Exhibit 3D in here was simply a  
4 statement to corroborate what I had said on the stand talking  
5 about during the riots in my hometown of Minneapolis when I was  
6 confronted with people trying to burn down our city and was  
7 yelled at in this manner. This just corroborates exactly what  
8 I was saying.

9 MR. JONES: This is a prior consistent statement, Your  
10 Honor.

11 THE COURT: Some of that is hearsay, I agree, about  
12 what he did when he walked out.

13 MR. JONES: And he's not allowed to bolster his own  
14 testimony using prior consistent statements unless that  
15 specific testimony has been questioned.

16 THE COURT: Right. I agree. So whether it's  
17 corroborative doesn't make it relevant. And as the government  
18 points out, prior consistent statements aren't admissible  
19 unless the government had impeached you or there is a motive  
20 for falsity.

21 MR. MOCK: Okay. Let me get to where they had  
22 actually what I consider a completeness --

23 MR. JONES: For what it's worth, Your Honor, the form  
24 in which these exhibits are being presented are not the form in  
25 which they were provided to defense. It looks like they have

1 just been copied and pasted from --

2 THE COURT: I'm looking at specific ones that he  
3 wants -- that he's going to point to. I am not looking at them  
4 otherwise.

5 MR. MOCK: The government went to great lengths to  
6 mention the words sic semper tyrannis over and over again in  
7 their trying to claim, I guess, that I was looking at some sort  
8 of revolutionary perhaps, in looking to create violence.

9 The patriot party page was a grassroots third party  
10 that was attempting to be formed. There was roughly a couple  
11 hundred members at the time. We communicated on there. They  
12 were like-minded people who basically believed in a diminished  
13 federal government, strong states rights, lowered taxes, things  
14 of that nature.

15 I had stated on the 3rd -- and we will run through and  
16 show how this corroborates to what they had. This was the only  
17 mention of sic semper tyrannis that the government did not  
18 show. And they didn't it because it shows that what I was  
19 doing and states agreed, We need to unite under one simple  
20 slogan, sic semper tyrannis, then we can bicker. That's the  
21 American way, with a smiley face.

22 I was talking about a slogan that I wanted to create  
23 for the patriot party.

24 Now, they have taken this and misrepresented that with  
25 all of my comments, about two dozen comments where I mentioned



1 sic semper tyrannis. They were on a specific patriot party  
2 page or similar conservative pages where I tried to put  
3 together a slogan for a third party. This is protected First  
4 Amendment speech, and any --

5 THE COURT: Okay. Don't make legal arguments. Just  
6 make factual --

7 MR. MOCK: Fair enough.

8 Going down further, replying just after this, I'm with  
9 you. One of the reasons we haven't seen the rise of a legit  
10 third party.

11 We follow with Exhibits K and L, which were presented  
12 by the government, that, again, are simply mentions of sic  
13 semper tyrannis which were a slogan and not any sort of call to  
14 violence.

15 They went down to what I believe they considered the  
16 most damning comment that I made, which again is incomplete  
17 because you don't have the original post. But again at the  
18 bottom, I mentioned sic semper tyrannis.

19 When I talk about this, if you have truly done your  
20 research, you know who the true enemy is. You understand this  
21 is a war that has been raging for generations spanning hundreds  
22 of years.

23 Clearly nobody in the United States has been in a war  
24 for hundreds of years. This was an ideological idea of two  
25 warring factions.

1           As they presented this, they presented this as me  
2 trying to create some physical violence. This is, in fact, me  
3 speaking to like-minded people in an attempt to raise a  
4 legitimate third party.

5           These were all taken out of context as comments.  
6 There is not a single post that I actually made that in any way  
7 can be construed as being violent. They took specific comments  
8 and then misconstrued these, and this represents a completeness  
9 of that, that it was a third party that was doing that.

10           In lieu of this, they have no texts or any other  
11 things that show that I was being violent or promoting violence  
12 in any way. Quite the contrary, I was actively speaking to not  
13 create violence, and most of my posts have been vehemently  
14 antiwar.

15           Now, you'll see at Exhibit 3N, this was a post that I  
16 had of the National Guard activated to help support police  
17 during pro-Trump protests.

18           Again, I knew that there was a potential for violence.  
19 The potential for violence that I believe existed was from  
20 Antifa. And there's plenty of evidence to show that.

21           Up here -- sorry, to get back to the 1st. Right here  
22 on the 1st, I shared a TikTok video, the summary of which, Read  
23 bigger picture. Antifa set up for dress attire in D.C. They  
24 may dress like us. Share this, please. It may save a life.

25           There was every reason, because Antifa had shown up at

1 literally every single Trump rally that had happened and had  
2 been at least vocally yelling as anti-protesters. And in most  
3 cases, they were violent.

4 MR. JONES: Your Honor, to the extent he's seeking to  
5 admit that to show that Antifa had been at prior protests,  
6 that's seeking to admit it for the truth of the matter, and  
7 that would be hearsay.

8 THE COURT: Again, I don't think that's true. It's  
9 what he thought. It's not whether -- it's not a disputed fact  
10 whether they were at previous protests.

11 MR. MOCK: Defense Exhibit 3P, this is a Facebook  
12 Messenger post to my father following January 6. There was  
13 some issues with his employees not liking that I showed up at  
14 his job uninvited. It's a long post. I will get to the point  
15 that I want to make in here.

16 Where I stated at the bottom here -- bear with me for  
17 one moment.

18 I didn't go into D.C. to start violence. We weren't  
19 armed. I have seen everything they said about what happened  
20 there via the news. We were there. We saw exactly what  
21 happened.

22 MR. JONES: Your Honor, his post two days after  
23 January 6 doesn't show state of mind during January 6 and is  
24 irrelevant.

25 THE COURT: All right. I'm sorry, you are saying

1 relevance or hearsay?

2 MR. JONES: Both, Your Honor. If he's talking about  
3 what he -- if he's admitting this to show that he didn't intend  
4 to start violence on January 6, then that's hearsay.

5 If he's admitting this to show his state of mind at  
6 January 6, this post was made two days after January 6 and that  
7 would be -- that is not state of mind. So it would still be  
8 admitted for truth of the matter because you can't just make  
9 state of mind statements days after the fact and then admit  
10 them as state of mind.

11 THE COURT: Certainly it's relevant what his state of  
12 mind was. To the extent it's admitted for the truth of what he  
13 did and why, then it would be hearsay.

14 MR. MOCK: I will move along on this.

15 Again, this is a post, the final one in here. It's  
16 Exhibit Q. It's, again, a comment on a post from January 8.  
17 So what about the police who beat the S out of old men and  
18 women. What about the ones who shot tear gas and flash-bangs  
19 discriminately into a crowd that included women --

20 (There was an interruption by the court reporter.)

21 MR. MOCK: Sorry.

22 What about the ones who shot tear gas and flash-bangs  
23 indiscriminately into a crowd that included women and children.  
24 What about all the BLM and Antifa activists who terrorized  
25 communities, burned them, looted them, murdered them, and

1 fought police? Are you rounding all them up too? This is how  
2 extremist groups are born. When you marginalize a group of  
3 people, attack their beliefs, rig a system against them, and  
4 then declare them outlaws when they stand up for themselves,  
5 you are by definition a tyrant.

6 That is the state we find ourselves in as a country.  
7 The establishment is going to create a breeding ground for  
8 extremism and then blame those extremists. Hopefully we find a  
9 better way. But history has shown time and again what happens  
10 when tyranny rules unchecked.

11 This is not the voice of someone who's calling for  
12 extremism.

13 Defense would like to present Exhibit 4. These are  
14 completed texts with myself and Mr. Finnigan, who was with me  
15 on January 6. There are a few things I wanted to bring, but I  
16 will jump to the big point.

17 In this he started talking about -- said, Yes, we are  
18 at December 11. Said, Well, it's over. SCOTUS just denied  
19 Texas case. Said, Yeah, BS. However, they could take the  
20 individual ones. Says, I'm starting to suffer from fuckitis.  
21 We just need to split into two countries hopefully without a  
22 civil war.

23 This is the person I'm going with saying hopefully  
24 there's not violence.

25 I said, Yep, 70 million should just not work for the

1 next three months.

2 He responded, Let them run out of other people's  
3 money.

4 Interesting.

5 Yes, that was my reaction to how I thought we'd fixed  
6 the problem, fix the money problem.

7 Here on the 13th he said, Stay in D.C. or.

8 I said, Yeah.

9 She has a video of me face-to-face with Antifa with  
10 police in between us.

11 When I was at the rally on the 12th, there were anti-  
12 protesters, I guess, causing trouble, and before the police  
13 showed up, I stood in between a couple of women that they were  
14 harassing and stood up face-to-face with these  
15 counterprotesters, who I believe to be Antifa.

16 The police moved into between us, and there were no  
17 issues that took place. This is what told me that I could  
18 expect violence, and that when I left my house on the 6th, that  
19 I could very well end up getting attacked by those same people  
20 that I was face-to-face with and the police had to walk in and  
21 keep away from protesters.

22 Now, Ms. Visnovec has destroyed all of her videos from  
23 this, so I don't have the ability to show that to the  
24 government, but clearly, back on December 13, there would be no  
25 reason for me to make any of that up.

1 This is what I said to Mr. Finnigan on 1/29.

2 The Texas attorney general is one of the only people  
3 actually fighting for the people.

4 THE COURT: So this is January 29?

5 MR. MOCK: Correct.

6 THE COURT: Okay.

7 MR. MOCK: I bring this up for one reason. Any of the  
8 times that I mentioned fighting or some kind of war, this is a  
9 legal battle. Clearly the Texas attorney general is not out  
10 putting on gloves and trying to go actually fight for people.  
11 He's doing it in the courtroom.

12 He says, Best of luck to him. I've completely given  
13 up on the whole. I only care about Montana, Wyoming, Idaho.

14 I said, I get it, but it's nice to see someone who is  
15 caring.

16 (There was an interruption by the court reporter.)

17 MR. MOCK: Yes, ma'am.

18 I said, No, he's legitimately going after them in  
19 court. He's actually doing his job.

20 I will move on here. The videos that I have that I  
21 was able to get without access to evidence.com, the government  
22 has come in and taken great pains to have Inspector Loyd as  
23 well as Officer Collins and Karlsen state that they were  
24 holding back this violent mob. That's been the narrative for  
25 January 6 from the start, that when this crowd came up, they

1 formed a line, and it was all they could do to stop them from  
2 moving forward. And that simply isn't the case.

3 The video that the government showed showed that the  
4 police officers present there grabbed a whole bunch of bike  
5 racks and started pushing them into the crowd. They started  
6 shooting down into the crowd and started using all kinds of  
7 different munitions and attacks on the crowd.

8 What these videos are going to show is the fact that  
9 none of what the government has presented is the truth about  
10 the actual events on the lower west terrace. I am not going  
11 through the entire day. I am keeping these very specific to  
12 the time frame where they said that that group that I ended up  
13 being a part of was pushing the police officers all the way  
14 through. This was not the case whatsoever.

15 Defense Exhibit 6 is open source video from Parlor at  
16 12:59. What we are going to see here is the exact moment when  
17 they come up to that point on the lower west terrace where the  
18 police start to form a line.

19 (The videotape was played during Mr. Mock's following  
20 comments.)

21 MR. MOCK: Bear with me one moment. What you are  
22 seeing here is these officers line up.

23 Nobody in the crowd is pushing them. Nobody is  
24 threatening any officers.

25 Now, there are people in that crowd who had pushed



1 past the barrier way back by the Peace Circle. A majority of  
2 these people who walked through here, vast majority, simply  
3 walked up the sidewalk similarly to what I and my two  
4 companions did.

5 These people are barely even looking at these  
6 officers. These officers aren't in distress. They aren't  
7 wearing protective gear. Nobody is trying to get past this  
8 point. They are just standing around. And this goes on for  
9 some time.

10 MR. JONES: Objection, Your Honor, relevance. That  
11 was at 1:00 p.m., far before he got to that area of the  
12 Capitol. It doesn't go to his state of mind at all if he  
13 didn't see it.

14 MR. MOCK: The government showed this same clip at the  
15 exact same time and actually times before this to claim that  
16 somehow I was responsible for what these people did and made  
17 the claim that they were attacking the police.

18 If they were, in fact, not attacking the police, then  
19 that counters their entire narrative that I had something to do  
20 with what that crowd was doing.

21 THE COURT: All right. Again, I will let you show  
22 some brief videos.

23 MR. MOCK: Okay.

24 THE COURT: But again, to the extent they don't show  
25 what you were doing, probably less helpful.

1 MR. MOCK: Okay. Defense Exhibit 7 is, again, a video  
2 at 12:59.

3 (The videotape was played during Mr. Mock's following  
4 comments.)

5 MR. MOCK: This goes on for some 12 minutes. I'm not  
6 going to show the whole video. I just want to move forward.  
7 As you start to see, these officers came in -- this is based on  
8 Karlsen and Collins's testimony, they came into this line.

9 They also stated that there was no violence occurring  
10 at this time.

11 There were a number of Proud Boys who were gathered  
12 here who did cause violence. I think they were there to  
13 instigate, and you will see them move further away from this  
14 crowd at that time to go try to enter the Capitol, which they  
15 succeeded in doing. But they were not part of the mob as a  
16 whole. They broke off.

17 And what you will see up here is, again, as the  
18 minutes go by, there's nobody causing any sort of violence.

19 What you will see up here is police start to gather.  
20 There's one minor scuffle to the left, and there's a puff of  
21 smoke which you will see on the video which is them firing down  
22 in the crowd. Inspector Loyd testified that the entire crowd  
23 was at fault because they were there and should be treated the  
24 same.

25 In his estimation, approximately four guys who got

1 into a pushing match with the police were worth getting shot --  
2 in the entire crowd started getting shot at this point.

3 Here's one gentlemen who is starting to raise a  
4 ruckus. Police are standing next to him. Acts like an idiot,  
5 cheers a little bit, and what does he do? Lady says, You need  
6 to leave. Oh. Okay. I'll just walk down the stairs here.  
7 That's the violent mob allegedly that was pushing police all  
8 day.

9 (There was an interruption by the court reporter.)

10 THE COURT: He will just speak up because otherwise it  
11 will take too long, Tammy.

12 (The videotape was played during Mr. Mock's following  
13 comments.)

14 MR. MOCK: Right here is about the moment that the  
15 officers shoot down into the crowd. And there is an aerial  
16 video that the defense -- excuse me, the prosecution provided  
17 that shows the first puff of smoke as they did so.

18 Following that, Metro PD comes down these steps,  
19 enters the crowd and starts assaulting anybody that's near them  
20 and pushing the bike racks into people.

21 Right there is one of the first people that was  
22 exposed to that puff of smoke that went off over here.

23 102 -- excuse me. Defense Exhibit 8, at 102, this  
24 shows down by the Peace Circle down here. These were racks  
25 that were removed. These will be moved over further. You will

1 see that at approximately 1:35. I took a video from about the  
2 exact same spot. These are pushed clear over to the right side  
3 and off of this.

4 At this point, all of these people that are walking up  
5 have no barriers, no police, nobody telling them that they  
6 can't be on the Capitol. They walk freely in.

7 And as you can see down the way, there are hundreds of  
8 thousands of people stretching all the way back to the White  
9 House unaware that anything's happening. Because right now  
10 there is nothing happening. There are people standing around  
11 with the police.

12 (The videotape was played during Mr. Mock's following  
13 comments.)

14 MR. MOCK: 105, still have peacefully gathered people,  
15 and nothing is happening.

16 That's about to change. Again, we show that the --  
17 all of these were taken down. Anybody that walks in after the  
18 fact has no idea that apparently this area is off limits. They  
19 were just told by their president to be there.

20 Here's the crowd that's gathered. There's no violence  
21 occurring. Right now you start to see where the police had  
22 come down from where they were back here in this back corner.

23 They have pushed -- these guys in yellow are the Metro  
24 PD. They start pushing into the crowd and pushing them back  
25 while you've got a hundred thousand people plus coming from the

1 other direction. This is going to create a sandwich effect  
2 where people are stuck in here where they cannot get out.

3           Again, to this point, nobody has caused any violence.  
4 As you are going to see in these videos, they are cheering.  
5 They are standing next to the police. Nobody is fighting.  
6 Nobody is trying to get past them. This is a peacefully  
7 gathered crowd. They feel they have every right to be there,  
8 and nobody's told them any reason they couldn't be there.

9           Exhibit 12, we are up to 1:19. Here's officers  
10 shooting down at the crowd.

11           MR. JONES: Your Honor, to the extent the defendant is  
12 testifying to events he didn't personally see --

13           THE COURT: He's describing the videos. He can do  
14 that.

15           MR. MOCK: The Metro PD have testified in other  
16 January 6 trials that they used all their munitions that they  
17 brought that day. Every single one was fired into the crowd.  
18 That's a peacefully assembled crowd that you had seen there.

19           Exhibit 13, 1:21, they stepped this up. Here's a  
20 peacefully gathered crowd that's about to start getting  
21 munitions thrown into them.

22           Right there. Some 30 to 40 feet back in the crowd,  
23 men, women, children are gathered and the Metro PD decides to  
24 start blowing them up.

25           Exhibit 14, 12:57, this is the supposed violent crowd.

1 They were throwing these munitions back here. There's not a  
2 single person that's causing any violence. The whole narrative  
3 of that day is a sham.

4 There's another video from 1:25. Turn this up. Hold  
5 on one second here. Turn this up so we can get on the record  
6 what this woman says at the time.

7 (The videotape was played during Mr. Mock's following  
8 comments.)

9 MR. MOCK: So they are shooting into their own people.  
10 We represented blue lives, and this is what they do to us. You  
11 can hear how frustrated she is.

12 1:27, here they are, shoving people who had backed up  
13 next to them. Nobody attacking the police here.

14 Exhibit 17, 1:28, again, the crowd has gathered.  
15 There's nobody pushing the police. This idea they are in fear,  
16 we see them bringing these over, and they are going to start  
17 pushing further back in this area over and over again.

18 Exhibit 18 is an open source video. We hear the first  
19 explosion. The police are shocked that this is happening.  
20 There's nobody attacking the police when this explosion went  
21 off.

22 Exhibit 19, 1:31, this is the crowd that unexpectedly  
23 is walking down the street into this at this point. They have  
24 no idea that what they are walking into are explosions, that  
25 the police are actually attacking people who are peacefully

1 gathered, myself included.

2 Exhibit 132, you are going to see, again, munitions  
3 don't stop.

4 Hands up. Don't shoot. This is what the crowd is  
5 saying to them. Hands up. Don't shoot. And yet they keep  
6 throwing these in there.

7 Exhibit 21, 1:33, hands are raised in the air. This  
8 woman standing here indiscriminately blew him up. They are on  
9 the ground. This is what happened repeatedly. This is why two  
10 men had heart attacks and died that day.

11 Another one explodes. You are going to hear the  
12 reaction from the crowd.

13 How frustrated they are at this point.

14 Exhibit 22, 1:34, this is the crowd that they were  
15 throwing it into. Who here is being violent? Nobody.

16 Exhibit 23, still at 1:34. Here you have another part  
17 of the group. Hands up. Hands up. Don't shoot.

18 Now, this is my video when I first entered.

19 Exhibit 24 is a video that was taken from my cell phone at  
20 approximately 1:35. What you see is the same area as before.

21 This is wide open. There's Misty, who was with me. There's  
22 not any barrier here. There's nobody telling me I can't walk  
23 on the Capitol, and I have no idea what I am walking into.

24 As we pan around and look up here, this is the  
25 sidewalk that I walked straight up to the lower west terrace.

1 There's nobody to tell me I couldn't go on there. I didn't go  
2 into the grass. The only thing you can see over here is in the  
3 grass itself where there is a plastic snow fence, and I never  
4 went into the grass.

5 Exhibit 25, at 1:39. Hands up. This again. They are  
6 singing the national anthem.

7 Exhibit 26 at 1:48. Let me turn this volume up so you  
8 can hear from someone right there who was attacked by the  
9 police exactly what he was doing and why he was attacked.

10 THE COURT: Okay. I don't -- that's not relevant.

11 (The videotape was played during Mr. Mock's following  
12 comments.)

13 MR. MOCK: (Inaudible.)

14 THE COURT: Let's keep going. Less repetitive.

15 Again, what you saw, relevant. Couple of the general seem  
16 relevant, but again, I don't need to see any more people with  
17 their hands up or --

18 MR. MOCK: Okay. Fair enough.

19 What I do want to show Your Honor is actually --

20 This is on the right side. I was here at this time.

21 On the right side, there was nobody causing any  
22 violence. And what you are hearing here is pepper balls or  
23 rubber bullets, we don't know which, being fired  
24 indiscriminately by this woman right here.

25 None of these police are in distress, and she's



1 (inaudible) shooting. She's sweeping around shooting anywhere.  
2 Nobody is trying to be violent.

3 Here's roughly 2:00, my own video. I'm sorry it's on  
4 its side, but this is the crowd as I approached. You can't  
5 hear any sounds of violence. There is no explosions right now.  
6 There's no way of knowing that there is anything out of sorts  
7 other than that there is a protest, which is what I planned on  
8 going to.

9 Exhibit 34, 2:03, you are going to see where I started  
10 seeing explosions in the crowd very close to where I was.

11 (The videotape was played during Mr. Mock's following  
12 comments.)

13 MR. MOCK: This crowd is not causing any violence.

14 We are up to 2:08, and we are just a matter of 20  
15 minutes away from the first alleged assault.

16 What I want to show here is for a very important  
17 reason. This is a gentleman at this point -- the crowd had  
18 broken off. The people who were causing violence had broken  
19 away and moved up to the Capitol at this point, at 2:08. This  
20 was actually the first window that was broken. And I want to  
21 show you the arrest that was effected (inaudible).

22 (There was an interruption by the court reporter.)

23 MR. MOCK: This young man was breaking windows. He  
24 was breaking the law plain and simple. He should have been  
25 arrested. This never should have happened. I condone it.

1 This was a group that had broken off from the main part of this  
2 assembled group. The police come in to effect this arrest, and  
3 they do it properly.

4 (The videotape was played during Mr. Mock's following  
5 comments.)

6 MR. MOCK: Nobody tries to attack them. I would like  
7 you to listen to what the crowd says.

8 The police are just doing their job. He's breaking  
9 the law. Leave him alone.

10 When the police are doing their job properly, this is  
11 a group that supports the police. They have no issue with it.

12 Exhibit 36 at 2:09, we've got tear gas being thrown  
13 all the way out into the grass. There's nothing but chaos.

14 Exhibit 37 at 2:14, the group starts going into the  
15 Capitol. This is important because at 2:13, that's when they  
16 started evacuating. That's the first person, Nancy Pelosi, was  
17 taken out of the Capitol or to the lower levels of the Capitol  
18 and the process and decisions were being made to evacuate the  
19 building. That was done because presumably -- actually, we  
20 have never been told of the exact reason as to why any of this  
21 was called out of session. One of the reasons may have been  
22 that people broke in, but clearly they hadn't before that  
23 occurred.

24 I'm just about to where my alleged assaults occurred.  
25 We are at 2:22 at Exhibit 38.

1           (The videotape was played during Mr. Mock's following  
2 comments.)

3           MR. MOCK: I won't even bother with that.

4           Exhibit 39 is a body-worn camera, at 2:26. What you  
5 are going to see is the crowd -- right about this point, at  
6 2:27, the command decision was made to remove those officers  
7 from the lower west terrace. They were told to fall back.

8           Over the course of the next two or three minutes, that  
9 order was given all along the lines, sometimes from officers  
10 running. Some of it went through radio. The crowd started  
11 hearing that the officers were going to be called back. This  
12 is what was occurring at 2:26.

13           What I'm going to show you is this elderly woman  
14 standing right over here to the right. This crowd is not  
15 attacking anyone. They are upset with what's occurred over the  
16 course of the last roughly hour and 20 minutes. What you are  
17 going to see is how the police were treating an elderly woman  
18 at that time and inciting the crowd.

19           (The videotape was played during Mr. Mock's following  
20 comments.)

21           MR. MOCK: Shove her down the stairs and incites the  
22 crowd, but the crowd still does not attack.

23           (Inaudible) stands back up there, gets maced and  
24 shoved again. And in a moment, she's going to get shoved by a  
25 shield and knocked back down the stairs. You can see the

1 reaction from the crowd.

2 This offends them. It offends me. The police should  
3 not -- nobody should behave like that to a woman who was  
4 standing there. This is what helped to incite this crowd at  
5 this point.

6 Now, what I would like to show the government -- this  
7 is Exhibit 40. I'm not showing this entire video. I know the  
8 government will object if I try to. I'm going to jump ahead to  
9 what shows me specifically.

10 This is approximately 6:14.

11 (The videotape was played during Mr. Mock's following  
12 comments.)

13 MR. MOCK: What you see here is a minor scuffle  
14 occurs. Police officer starts pushing this woman. She's on  
15 the ground. Police back up. She's on the ground. She gets  
16 clubbed in the head. She stands up here. You can see her  
17 grabbing her head, is a little bit woozy.

18 Right here at 4:18 is the first time that I am seen on  
19 camera. I watched them do that to that woman. For the next  
20 roughly ten minutes, I'm here talking to police. I'm visibly  
21 upset with what they just did. But I'm talking to officers.  
22 There's no violence occurring here whatsoever. This goes on  
23 again for about ten minutes.

24 I'm behind a few of these people through this.  
25 Ms. Visnovec is right next to me through all of it.

1           And we get up to approximately 2:25 when they decide  
2 to gas the crowd. Again, nobody is pushing against the police  
3 to do this. We get gassed.

4           And there's nowhere to go. People are coming up here  
5 by the thousands. And we get tear-gassed.

6           2:26, they are busy pushing an old woman down the  
7 stairs.

8           2:27, they are told to leave. I'm standing right here  
9 not being assaultive in any way and can't be construed as that  
10 or violent at all.

11           What I am about to watch also sickens me, and it's  
12 exactly what Tommy Tatum said on the stand. He said he saw a  
13 Rodney King style attack. You are going to see that in a  
14 moment.

15           This is what's occurring when this line does actually  
16 break a little bit.

17           (The videotape was played during Mr. Mock's following  
18 comments.)

19           MR. MOCK: You can see people looking back here. All  
20 right. This is when the line is about to fully break. This  
21 gentleman comes out of nowhere. He saw what was going on. I  
22 see what's happening behind there, and I flip off the police  
23 that are attacking -- about ten of them attacking one guy.

24           The line starts getting pushed forward everywhere. He  
25 pushes it forward. There's somebody else pulling some

1 tug-of-war down here. I'm standing there. It gets pulled into  
2 me. In just a minute, you will see it get pulled into me. And  
3 I put my hand on it. I'm standing there. There's three  
4 officers pulling from this end, and some people at the other  
5 end here pulling on this gate while I am standing there. Put  
6 my hand on it.

7 Now, there's no way that my one hand is lifting this  
8 entire gate. There's three officers pulling this way and a  
9 number of people on this end pulling. It got pulled back into  
10 me. It went forward and back, then I put my hand on it. It's  
11 the extent of, I guess, my alleged crimes at this point.

12 The line breaks down. This guy starts attacking  
13 police. Shouldn't have done it. I hang back as the crowd  
14 starts to come around me.

15 Exhibit 41, open source video again off Parlor that  
16 shows that Rodney King style beating.

17 Jump ahead to the time that we see that. Right here.

18 (The videotape was played during Mr. Mock's following  
19 comments.)

20 MR. MOCK: What you are seeing here is the crowd is  
21 still there. One or two idiots run through here and try to run  
22 up and wave some flags. This guy runs through right here. The  
23 gentleman in the black with the parka on runs through some  
24 police officers and get tackled.

25 Now, the proper way to arrest him with ten officers

1 gathered around is to put his hands around his back and arrest  
2 him. They choose not to do that.

3 They kick him in the head, hit him with clubs  
4 repeatedly, and what you'll see here is they decide to beat him  
5 mercilessly. They kicked him and punched him, and the crowd  
6 sees it, including me. I watched this happen. You won't see  
7 that on CNN.

8 Here's an effected arrest, right there. This is how  
9 you effect an arrest. But that wasn't how every officer chose  
10 to behave. Instead, they wanted to beat the crap out of anyone  
11 they could and kick them. That's what we watched. And that's  
12 what helped incite that line to drop as well as the elderly  
13 lady getting pushed. This happened consistently throughout the  
14 day.

15 Here's at 2:28, Exhibit 42, open source Parlor video,  
16 as the line breaks down. Now, government showed you this  
17 video. What I would like to show you is this. Start here and  
18 I will pause this periodically. I would like to point out that  
19 I'm right here in the black just above the American flag right  
20 here.

21 Here's the line of officers that fell back. Somewhere  
22 in here is the idiot who decided to bust through and actually  
23 attack officers. I'm not one of those guys. I am standing  
24 back. And what I see back where those officers are beating  
25 that guy is a door that they were leaving through.

1           And from this point right here, I consistently, over  
2 the course of the next seven minutes, am pointing to that door  
3 and telling officers to leave.

4           As I'm telling officers to leave, I'm pointing to the  
5 door. You are going to start seeing me do that.

6           Right here you are going to start seeing me gesturing  
7 towards that door holding back and holding back. I'm right  
8 here gesturing that way. I'm not trying to attack police. I'm  
9 keeping at least 8 foot distance between them as other people  
10 are swarming.

11           What I am starting to see is people coming around  
12 these sides of the steps and cutting off these officers who are  
13 now on an island by themselves. It's basically chaos at this  
14 point.

15           (The videotape was played during Mr. Mock's following  
16 comments.)

17           MR. MOCK: Now, I'm still pointing, still right in  
18 here, pointing this entire time, not trying to attack anyone.  
19 As I move forward, I am going to get pushed. An officer is  
20 going to push by me, and I start to stumble forward. I put my  
21 hand out to steady myself and I stand up.

22           This is what brings me in proximity to who was alleged  
23 to be Officer Collins. This is what the government used to say  
24 that I had pushed and kicked Officer Collins.

25           What you will see is this gentleman in the red. He's



1 going to move forward and actually put who Officer Collins  
2 claims to be on the ground. Collins get taken down by that  
3 guy. They are now on the ground along with one other  
4 protester. I'm standing by watching.

5 Now, there's a -- right down here we can see a  
6 flagpole which I kicked a number of times throughout the course  
7 of this. The guy in the red got off of what's supposed to be  
8 Officer Collins and starts attacking other police. I'm staying  
9 back from that as it occurs.

10 I move in to try to reach down and pick up Officer  
11 Collins. I'm also going to pick up another protester here off  
12 the ground. That's my intent. You will see that I get pushed  
13 right here as I reach down by this gentleman. He pushes me  
14 down and away as I am reaching down trying to grab. As we saw  
15 in the other video, he comes in and he kicks Officer Collins,  
16 not me.

17 I step away. I get off balance. I put my hand on the  
18 gentleman here in the black. My foot goes up off the ground.  
19 As we are still getting tripped by this flagpole that's on the  
20 ground, I step back and move away from the line again.

21 In a moment, you are going to see me reach down. I'm  
22 pointing for them to leave. In a moment I am going to see this  
23 guy on the ground. You are going to see me right here move  
24 through, reach down, and pick up another person off the ground,  
25 grab him by the hand and lift him up. He just got lifted off

1 the ground. I make sure he's okay.

2 Now, at this point I see people all running up here.  
3 Some were assaulting officers. This group is left behind  
4 including Officer Collins. What I start doing is pointing up  
5 above them for them to realize what's happening because it  
6 doesn't seem like they realize that they are completely  
7 surrounded at this point, and their only point to exit is to go  
8 this way and move back to the stairs via a door back in this  
9 area. That's where all these officers go is to this door.

10 And the entire time, the entire five minutes that I go  
11 through these alleged assaults, I am pointing to the door.  
12 This is what I do. I yell to get their attention and start  
13 pointing at the door over and over again.

14 They realize what's happening behind them, they turn,  
15 and they leave. I don't pursue them. I'm standing there.

16 Now, Exhibit 43 is the government's exhibit of a still  
17 frame to say that this is the moment, right here -- I will  
18 increase the size -- to say that this is the moment that  
19 apparently I kicked, according to them, Officer Collins, which  
20 would be a foot-on-foot contact. You can see my hand is on the  
21 backpack there of the gentleman next to me.

22 Exhibit 44, which I purposely did not label on my  
23 exhibit list 1 and 2 because my standby counsel had done that,  
24 and I believe this was No. 1. I am going to submit this as  
25 No. 44. It may be a duplicate, same video.

1           This goes frame by frame, and I'm going to take this  
2 ahead because it will show the exact moment when they claim  
3 that I was kicking Officer Collins.

4           Now, right here, you can see my hand is on the  
5 backpack of this gentleman. And you see how far Officer  
6 Collins is ahead and how far I am back. You can see my leg  
7 from about my butt to my knee. That represents this area.  
8 That's my entire thigh.

9           They want you to believe that the lower extremities of  
10 me -- I'm 5-8 with shoes on -- reaches all the way down here  
11 because right there is where Officer Collins's boot is. See my  
12 foot is still raised. Right here is that exact moment where  
13 they said I kicked his foot.

14           You can see his foot. Mine is nowhere near it.  
15 Again, I would have to stretch my leg all the way out. It's  
16 not what I do. It starts coming back.

17           When this was shown to Officer Collins and they asked  
18 who was the man that might have kicked you, he circled this  
19 man, two of us. In a two-man lineup, he couldn't get it right.

20           I step away. It's physically impossible at that  
21 moment my foot could have come in contact with Officer Collins.

22           Exhibit 54 -- or 45 is Officer Wilhoit's body cam. I  
23 am going to move that ahead. You saw a still frame of that and  
24 a slowed-down version from the government.

25           What I would like to show you here is not the alleged

1 assault, but just after that. It's right here after I had  
2 picked up the other gentleman off the ground and I'm trying to  
3 tell the police, Look out behind you. Get out. Go. Get out.  
4 That's what they are being told. I didn't attack them. I  
5 didn't go after them, didn't throw anything at them. I told  
6 them to leave.

7 Exhibit 46 is Government 401D of Rathburn. And I show  
8 this for a reason. Right here you see my hands up. I'm not  
9 trying to assault anyone at any point. That was the closest  
10 before there. There were people that are doing things that I  
11 don't agree with. This is the guy that attacked them.

12 What this does show right now is a perfectly clean  
13 helmet on Officer Collins. This will actually show some of the  
14 distance that I was away at the time.

15 They highlight me. What you see is this gentleman  
16 step in front of me. When he does that, he pushes me back a  
17 little bit. That's what knocks me off balance. You see how  
18 far away I actually am.

19 Now, he's obscured right here, but he was being pushed  
20 by the other gentleman that was there. I think he was  
21 attempting to pick him up. And you see how far away I actually  
22 am in this.

23 Now, Officer -- this is supposed to be Officer  
24 Collins, and his helmet is perfectly clean. Officer Collins  
25 stated that prior to any of this happening, he had been

1 completely sprayed by a white substance that was all over his  
2 helmet and his body. Collins had said that he wasn't even  
3 sure --

4 THE COURT: I don't want you to comment on other  
5 witnesses' testimony. You can do that in closing. This is  
6 just your testimony about what you saw and what you did.

7 MR. MOCK: Okay. Note that his helmet is perfectly  
8 clear at this point.

9 Here is a picture of the helmet that Officer Collins  
10 turned in and in his testimony, he said --

11 THE COURT: Again, we are not -- remember, just what  
12 you saw and what you did. Closing argument is to contrast  
13 other testimony.

14 MR. MOCK: Exhibit 49 is Government's Exhibit 103C.  
15 Actually, one moment.

16 I don't feel the need to show a video on the second  
17 alleged assault with the -- excuse me, the piece of the  
18 flagpole. The government got it right. There was a piece -- I  
19 got hit in the head with a flagpole. I reached up. I grabbed  
20 ahold of what was hitting me without looking back at it,  
21 reached up, grabbed it, it broke off in my hand, and I  
22 immediately got it out of my hand as quickly as possible.

23 There's no reason to even go through video on this.  
24 It doesn't show any sort of assault. The government failed to  
25 show anything --

1 THE COURT: Again, that's argument.

2 MR. MOCK: Fair.

3 Exhibit 48 is Government's Exhibit 103C. I will take  
4 this a little bit slower. This is alleged assault No. 3,  
5 again, against alleged officers unnamed. They will highlight  
6 me here in a moment. I will point out I'm the guy in the  
7 green. It's hard to see right here. The entire group had been  
8 pushed from where we were before all the way over to this  
9 point.

10 My back is against this line of police officers right  
11 there because I had been shoved just like you are in a mosh  
12 pit. At the point we were there, I was worried about getting  
13 trampled. I got pushed up against something on the ground. I  
14 don't know what. There was some object there I was trying not  
15 to fall over.

16 And what you will see here in a moment as it moves  
17 forward is that I get pushed back, and this is allegedly an  
18 officer. We don't know who that person is because there's no  
19 named victim or witness that has come forward and said  
20 anything. This person backs into me. And you can see that I'm  
21 starting to fall back. He backs into me. I'm off balance. I  
22 push away because I'm starting to fall.

23 Now, this camera is going to pan up very quickly, but  
24 I want to point out that you see me start to fall at this  
25 point. I am starting to fall, and as this pans away, you can

1 see me drop into the crowd as I fall and it pans away. They  
2 are alleging an assault with no victim, and I fell on the  
3 ground in that.

4 Exhibit 49 is another open source Parlor at 2:31.  
5 These are officers who were leaving, actually. If I can get  
6 the sound on this.

7 (The videotape was played during Mr. Mock's following  
8 comments.)

9 MR. MOCK: Says do not hurt the cops. This is the  
10 crowd I was a part of.

11 Exhibit 50, Parlor 2:32, this is what was happening  
12 inside the Capitol.

13 THE COURT: Not relevant if you never went in, so we  
14 don't need to see that.

15 MR. MOCK: Again, just for note, the government had  
16 said that they were constantly violent inside the Capitol. It  
17 seemed relevant to them, but that just wasn't the case.

18 I'm going to jump ahead to Exhibit 52. This is  
19 Government's Exhibit 403A slowed.

20 This is allegedly Officer Karlsen. This is one angle.  
21 You are going to see a couple others. And there's a number of  
22 things that I want to point out here, so I am going to run this  
23 a couple times. This is extremely important.

24 Now, what you are seeing here and I will show in  
25 another clip, this is one of the last officers that came on the

1 line. There's about three or four left here in line. This is  
2 who has been identified as Officer Karlsen.

3 Now, prior to this, I was pointing. There was a group  
4 of officers over here behind where I am right now, basically  
5 where the camera man is. There's a group of officers. I  
6 started pointing at the door. We had conversations. They  
7 turned around, realized that that's where they were leaving,  
8 and left.

9 Another officer in line I came to with this gentleman  
10 who's standing right here to my side, and we were pointing to  
11 the doors. We were telling officers to leave, that's the way  
12 out.

13 We pointed repeatedly, had these conversations. One  
14 left. I patted him on the back. That's where we came to here,  
15 and this is allegedly Officer Karlsen.

16 Now on the ground you see the shield. Now, as I  
17 point, we are having a conversation right now. I'm telling him  
18 to leave and pointing at the door. Now, as he had stated, it  
19 was loud. It was hard to hear. I get it. He's got a mask.  
20 He's got this mask on and that. It's definitely hard to hear.

21 You see this discarded shield that's face down right  
22 here. You see this gentleman pass in front. I'm still  
23 pointing, not being violent. This isn't in any way taken as  
24 I'm coming after him.

25 Right here you can see a couple of things happen.



1 One, his head starts moving to the right. Two, his foot steps  
2 onto this shield.

3 Now, I would like to point out his hand right here.  
4 Two hands are definitely not on the shield. One hand is looped  
5 through. There's loops on here. One is looped through, and  
6 then it's holding on to the other with his left hand.

7 His right hand is off of the shield, and you are going  
8 to see it as we go through this frame start to move down  
9 towards his right hip.

10 As he does so, his hand moves down towards his right  
11 hip, his right foot steps onto the shield. And he is no longer  
12 talking to me. He moved his head down and looks down with his  
13 hand down by his right side holding this with his left and only  
14 one hand.

15 He steps on this, and what starts to happen is you are  
16 going to see his foot slip out before I ever make contact with  
17 the shield.

18 Now, his hand -- his foot is right now starting to  
19 slip forward. I touch the shield right here, and he starts to  
20 slip out. His right foot actually comes past me. His left  
21 foot lifts off the ground straight up. It comes forward, it  
22 slips out from under him, and he falls straight down. It  
23 wasn't shoved way backwards. He falls straight down, his right  
24 foot past me, immediately down.

25 Note, his back hits these steps. His helmet never

1 touches any of the steps. His mask is still intact when he  
2 hits the ground. I stand there for a minute shocked that the  
3 guy fell on the ground. I get hit by an officer here who  
4 starts to trip over Officer Karlsen. He pushes him, and he  
5 ends up falling here. That clip cuts.

6 Now, I would like to show Exhibit 53. This is open  
7 source video provided by the government to me. It's an  
8 Instagram, John Farina.

9 (The videotape was played during Mr. Mock's following  
10 comments.)

11 MR. MOCK: Let me get rid of that sound. It's  
12 completely unnecessary. I know you appreciate that.

13 I would like to show two things right here. Number  
14 one, pay attention to this gentleman right here as he starts to  
15 smash this guy on the head with a shield. I watched that  
16 happen. This gentleman is right in line with where you are  
17 going to see Officer Karlsen in a moment.

18 So if we watch, this guy gets smashed in the head.  
19 This gets the photographer's attention. He focuses in on that,  
20 and he starts to move around.

21 I'm going to skip ahead. As he started to move  
22 around, I am going to be right here. This blue flag does  
23 obscure a little bit, but what you can see clearly is that I am  
24 pointing, again, for officers to leave.

25 You are going to see this consistently, the gentleman

1 I'm with.

2 From this angle, I get obscured a few times, you can  
3 see my hand pointing, and I'm talking with officers. They  
4 turn, and about six of them leave right here. They all leave.  
5 Right here I'm pointing to one with this gentleman next to me,  
6 and I proceed to pat him on the back. I patted the guy on the  
7 back as he leaves.

8 Now, what I have heard is I was waiting for this exact  
9 moment to attack someone. It seems weird that I would suddenly  
10 turn. I'm clearly communicating with him. We see his head  
11 turn. When his hand came off the shield, there's one holding  
12 it. His hand came down to his right side, came in contact with  
13 him.

14 Now, I'll show just a couple more quick little clips  
15 about this. These are clips. No. 54 is Officer Boyle,  
16 body-worn camera. And what we see here is when he comes  
17 forward, you can see that the crowd is being held back.  
18 Officer Karlsen is on the ground. He comes forward. He's the  
19 only one of two officers who had a baton that we could see in  
20 that area. He walks over. There's officers to help pick him  
21 up. People are keeping their distance. We can see there's not  
22 a mark on Karlsen's helmet at all. He's helped up by this  
23 gentleman who helps lead him back, and he leaves.

24 What you'll see in a moment is we pick him up right  
25 here as he leads him through. This is Officer Karlsen. Again,

1 gas mask is in place. He's actually not grabbing at his right  
2 arm at all. There's something in there. Never grabs at his  
3 elbow. Never decons that we can see during this entire video,  
4 and there's not a mark on his helmet. He doesn't seem  
5 distraught in any way. Standing here, there's not a mark on  
6 his helmet. And that's extremely important.

7 We will see on the other side just to make sure  
8 there's not a mark on his helmet.

9 He stands here for a few seconds, and then he's going  
10 to proceed up and through and out that door up to that next  
11 level.

12 Exhibit 56 is Foulds' body-worn camera. Jump ahead  
13 again.

14 Right here what we are going to see is he grabs the  
15 shield and then just throws it haphazardly aside, which was  
16 done repeatedly by officers there.

17 We see him leave. He's going to hang around, watch  
18 things for a minute. The crowd keeps their distance including  
19 myself. And then he starts to move back through the crowd back  
20 to where Officer Karlsen is.

21 And we will see Officer Karlsen after he gets elbowed,  
22 right back here, starts to exit, and he's three ahead of  
23 Officer Foulds right here as they go up the stairs.

24 I'll do a little skipping ahead because we don't need  
25 to see him walking up the stairs.

1           As they get to the top, you are going to see right  
2 here Officer Karlsen steps off to the side, doesn't talk to  
3 anybody. Again, we will see him here in a moment. Kind of  
4 wanders around. Helmet is clear. Gas mask is on. Does not  
5 attempt to decon. Talks to this gentleman here for a minute  
6 and just kind of hangs out. Meanders around. Doesn't try to  
7 decon. Doesn't seem to be in distress of any kind. And then  
8 we lose him.

9           Now, I brought up the fact that I went from helping  
10 lead officers out, and I have never denied the fact that I  
11 touched the shield. Now, there's a catalyst for that. I sat  
12 in court in another hearing and said that that officer  
13 threatened to shoot me. I don't think that that was correct.  
14 I don't think that he did threaten that. But I did hear  
15 somebody say I'll shoot.

16           What we are going to see right here is this is Officer  
17 Mastony, body-worn camera. He's right next to Officer Karlsen.  
18 You have never seen this video before. This clip, at 14:34,  
19 shows exactly what I described. This is Officer Karlsen to his  
20 left. His hand is looped through and holding this shield with  
21 one hand. See it in slow motion. It's clearly gripping.

22           I'll move this forward a little bit. In a moment --  
23 you see his hand come down, and in a moment, you will see me  
24 under the frame. There's the gentleman that was right next to  
25 me in black telling officers to move back. See clearly one

1 hand is gripping that. Starts to come down at this moment.  
2 And that's when I come forward and back. I'm back. His hand  
3 is down. And I do make contact with his shield.

4 Now I'm going to tell you why that happened.  
5 Exhibit 57B. I'm going to turn up the volume on this. I am  
6 going to play this a couple times because it's extremely  
7 important. I told the Court that I heard someone say I'll  
8 shoot. I said this when I had not looked at any of these  
9 videos because I didn't have access to them while I was locked  
10 up pretrial detention.

11 What you are going to hear here is someone say  
12 something unintelligible or I'll shoot.

13 (The videotape was played.)

14 It's quick. It's not clear because it was loud, but  
15 you will hear something or I'll shoot.

16 (The videotape was played.)

17 MR. MOCK: Starts off or I'll shoot, and it's a  
18 high-pitched voice.

19 (The videotape was played.)

20 MR. MOCK: Now, I will not say that that's a hundred  
21 percent clear. However, the odds of me finding something that  
22 sounds like or I'll shoot when I said before I ever had any  
23 evidence of that would be extremely astronomical.

24 THE COURT: All right. We'll take a ten-minute  
25 recess. Again, we are going to wrap this up, Mr. Mock,

1 shortly.

2 (A recess was taken at 11:00 a.m.)

3 THE COURT: Okay. Mr. Mock, you may resume.

4 MR. MOCK: All right. I'm just about there.

5 I would just like to show Exhibit 58. This is a  
6 government exhibit from my detention hearing in which they  
7 circled and said that this was the exact moment that Officer  
8 Karlsen injured his elbow. And that is all I would like to  
9 show on that.

10 Exhibit 59 is Parlor open source video at 2:43.

11 (The videotape was played during Mr, Mock's following  
12 comments.)

13 MR. MOCK: (Inaudible.)

14 THE COURT: Okay. This isn't terribly relevant, just  
15 as the government hasn't brought in footage in the lower west  
16 tunnel where people were beating police. Neither one is  
17 relevant to what you were doing.

18 MR. MOCK: I just want to show that in the areas that  
19 I was and the things that I saw, I saw people supporting the  
20 police. I, myself, was trying to keep people away from the  
21 police and diminish violence throughout the course of the day.

22 MR. JONES: Is the defendant asking a question, or is  
23 he now testifying that he was there by that window at that  
24 time?

25 THE COURT: I don't believe he was, so...

1 MR. MOCK: I would like to submit Exhibit 62. This is  
2 a web page from Mayor Bowser just talking about the upcoming  
3 First Amendment distributions on January 3. Basically she  
4 states --

5 THE COURT: This is argument. I mean, you can put  
6 this as an official record, so all right, go ahead.

7 MR. MOCK: I will get to the point on this quickly.  
8 It's just a counter-narrative that the government has. Right  
9 here what you are going to see is they talk about the MPD being  
10 in full activation, everybody that they are calling up, MPD,  
11 various agencies that are going to be there, telling people not  
12 to engage with anybody that's at the event. They are trying to  
13 ensure that it remains peaceful. Telling people it's illegal  
14 to carry firearms, and they start talking about emergency  
15 parking and limiting access to parts of D.C.

16 This goes on and on and on showing all the street  
17 closures. I want to note that that was put out on the 3rd for  
18 all D.C. residents. And then Exhibit 63 is a tweet on the 3rd  
19 from Mayor Bowser which says, I am asking Washingtonians and  
20 those who live in the region to stay out of the downtown area  
21 on Tuesday and Wednesday, telling people not to go into the  
22 District of Columbia and not to engage with demonstrators who  
23 come to our city seeking confrontation.

24 Just putting that on the record, and I will talk about  
25 that in my closing.



1 And with that, I am done.

2 THE COURT: Okay. Thank you. I will let you have a  
3 seat, and the government may cross you.

4 MR. JONES: Just one moment, Your Honor.

5 THE COURT: Take your time.

6 MR. JONES: As a housekeeping matter, Your Honor, the  
7 defendant showed exhibits past Exhibit 60, and if we can get an  
8 updated exhibit list, the government would appreciate it.

9 THE COURT: I think the one he gave me has through  
10 Exhibit 63, so...

11 MR. MOCK: I gave you one at the same time.

12 MR. JONES: Your Honor, last time we were here, the  
13 Court told us that we would have approximately an hour and a  
14 half for cross. Is that still true? I just want to make sure  
15 I keep track of time.

16 THE COURT: Yes. I mean, again, I have given Mr. Mock  
17 longer than I said I would, so -- but I would still think that  
18 that's a fair ballpark. But if you need -- depends on how it  
19 proceeds.

20 MR. JONES: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. JONES:

23 Q Good morning, Mr. Mock.

24 A Good morning.

25 Q So you wanted to be a history teacher, is that right?

1 A Amongst other things, yeah.

2 Q So you are a man of history?

3 A I would like to think so. I'm not a historian, but I  
4 read.

5 Q And do you do your own research?

6 A I don't know any other kind.

7 Q Okay. So that's a yes?

8 A I don't know what you mean.

9 Q Do you do your own research on questions rather than  
10 listening to the media telling you what to think?

11 A I listen to a lot of things, and I discern what I feel to  
12 be true or not based on facts.

13 Q Okay. So you know the phrase sic semper tyrannis?

14 A Yes.

15 Q You know --

16 A I don't know all of it, but I know what it -- I know that  
17 it exists. I know that it's Latin.

18 Q You know it's the state motto of Virginia?

19 A Yeah.

20 Q You know that because you grew up in Virginia?

21 A Correct.

22 Q Virginia is also where our nation's founding fathers  
23 lived, right?

24 A Some of them, yes.

25 Q Men who helped lead the American Revolution?

1 A Yes, amongst other things.

2 Q Men who helped overthrow the tyranny of the English king?

3 A Sure.

4 Q Sic semper tyrannis means thus always to tyrants, correct?

5 A I believe so.

6 Q You posted that often?

7 A Yes.

8 Q In your words, it was a slogan that you believe in?

9 A Yes. Well, actually, as it pertained to the patriot party  
10 posts that I put up there in trying to make a slogan for a  
11 third party, which is, you know, protected by First Amendment,  
12 yes, I created a slogan that was the same as the state motto  
13 for Virginia.

14 Q So you believed in it?

15 A I believed in the slogan. Yes, I believed in the slogan.

16 Q And you posted it to Facebook groups that you are a part  
17 of?

18 A One or two. One, maybe two.

19 Q You posted it to inspire people?

20 A I posted it as a slogan, much like, I don't know, Nike  
21 would say just do it.

22 Q You called it a rallying cry, is that correct?

23 A Sure, much like just do it.

24 Q On direct you testified that in the days leading up to  
25 January 6, you became an internet troll, correct?

1 A The days leading up to that?

2 Q Yes.

3 A No. I have been a troll far longer than that.

4 Q Okay. But you were the days leading up, including the  
5 days leading up?

6 A Could have been.

7 Q Is that a yes?

8 A I could have been. I don't recall. I would have to look  
9 at specific posts.

10 Q You trolled people on Facebook?

11 A At some point, maybe. Again, I would have to see the  
12 specific posts?

13 Q We will get to a specific post in a minute.

14 Do you troll people to stir the pot?

15 A Again, I would have to see the posts.

16 Q So you don't generally know why you trolled on Facebook?

17 A I don't know that I trolled on Facebook. I said that I  
18 did online at times. So, again, if you want to give me a  
19 specific --

20 Q Okay. Let's go to a specific.

21 MR. JONES: I'm showing the witness Government's  
22 Exhibit 805.

23 BY MR. JONES:

24 Q At the top, on December 29, there's a long Facebook  
25 post --

1 MR. MOCK: I'm going to object to this, Your Honor.  
2 This is incomplete. I actually know that the complete part of  
3 this that they are talking about does, in fact, show the  
4 evidence of fraud.

5 So if you would like to show the entire post, we can  
6 discuss this. Otherwise, this --

7 THE COURT: Are you talking about the redacted?

8 MR. MOCK: No, not the redacted. There's another part  
9 to this. When I say, But despite evidence like this, there's  
10 actually an entire post about the evidence that he's not  
11 showing.

12 THE COURT: Well, that's all right. The objection is  
13 overruled. He can ask you about this.

14 BY MR. JONES:

15 Q So at the top, do you see that there's a long Facebook  
16 post for December 29?

17 A Yes.

18 Q The first sentence states, But despite evidence like this  
19 of fraud, if you question the results, you range from being a  
20 sore loser to a complete lunatic conspiracy theorist.

21 Did I read that correctly?

22 A Yes.

23 Q Do you agree with that statement?

24 A If you question the results of fraud, I'm assuming, but I  
25 may be wrong, so I don't know for sure without the first post,

1 I'm assuming this is fraud in the 2020 election, presidential  
2 election. It could have been other fraud. But assuming that  
3 that is what you mean, yes, people would say if you question  
4 the results based on the evidence that I saw in the post, that  
5 people on there were calling people sore losers or lunatic  
6 conspiracy theorists, yes.

7 Q So you agree with that statement?

8 A I just stated what I said. It's asked and answered.

9 Q That's a yes?

10 A It's asked and answered.

11 THE COURT: Overruled.

12 BY MR. JONES:

13 Q I didn't hear your answer.

14 A Sure.

15 Q So here in this first sentence, you aren't trolling,  
16 correct?

17 A Could have been. I don't know. I don't have the first --  
18 I don't know how to reference this because it's a comment to  
19 something. So you are taking one part of a conversation. So I  
20 don't know how to say what is what because this was over two  
21 years ago, almost three years ago now, and you are asking me to  
22 tell you what my intent was on this one thing I don't have a  
23 reference point to, so I can't answer the question.

24 Q No, that's helpful.

25 So when you look at a specific post, your testimony today

1 is you have no idea whether you were trolling or not?

2 A No. What I'm saying is I don't know on this specific one  
3 if I was or was not. Some things I do recall. Some I don't.  
4 I mean, people post online all day long. Some things are  
5 haphazard. Some things are very detailed. Some things stick  
6 in your memory. Some don't.

7 After three years, I cannot tell you what I thought  
8 specifically on every sentence of everything you bring forward.

9 Q So for this specific post, you don't know whether you were  
10 trolling or not?

11 A I can infer what I meant by this.

12 Q That's what I'm asking you. Were you trolling when you  
13 made this post?

14 A I don't know. I could have been.

15 Q You just said you can infer what you meant.

16 A Yes. You guys do it all the time.

17 Q I'm asking you, in your words, what did you mean when you  
18 made this statement?

19 A Which, the entire statement, or what are we talking about,  
20 in its entirety or --

21 Q The sentence we have been talking about the whole time.

22 A The first sentence?

23 Q Yes.

24 A Okay. I think that it seems like when someone is being  
25 shown evidence of fraud, if someone questions results, that

1 people are on a range here from saying you are a sore loser to  
2 a complete lunatic conspiracy theorist. I think it speaks for  
3 itself. I don't really know what the question is.

4 Q I'm asking you if you meant that honestly or whether you  
5 were trolling?

6 A I don't recall.

7 Q Okay. Moving on to the next sentence. What has been  
8 happening all year wasn't just a crazy year.

9 Did I read that correctly?

10 A Yes.

11 Q The next sentence. It was all a design.

12 Did I read that correctly?

13 A I believe so. Something is redacted. But all, yeah.

14 Q Your life will never magically go back to normal as long  
15 as you keep accepting what you were told.

16 Did I read that correctly?

17 A Yes.

18 Q Everything is interconnected and there truth (sic) is  
19 glaringly obvious to any who choose to see it?

20 Did I read that correctly?

21 A Yes. And I do know the difference between there, their,  
22 and they're, by the way.

23 Q I believe you meant their, not there.

24 A There's that. Could have been there truth too. It's hard  
25 to tell on these posts when you get something wrong what



1 someone really meant. It could have been the. It could have  
2 been there. I could have just had a misspelling. It's weird.  
3 You don't really know what someone is saying at any given  
4 moment looking at these.

5 THE COURT: Mr. Mock, you may think that these are  
6 clever answers, but I promise you they are not impressing me as  
7 being clever. They are impressing me as being evasive. Since  
8 I'm the finder of fact, you should care what I think. So why  
9 don't you just answer the questions.

10 MR. MOCK: Fair enough.

11 BY MR. JONES:

12 Q The sentences that I just read, you are not trolling in  
13 those sentences, correct?

14 A Again, I don't know what the thing is, but sure, sure.

15 Q Sure, yes, you are or sure, no, you are not?

16 A We'll go with no.

17 Q Okay.

18 A We'll go with no.

19 Q Okay. What is making you hesitant to answer?

20 A Because I don't have the complete -- this is one comment  
21 to something that I know exists and you guys have it, but you  
22 are not showing me what the evidence is. I don't know what  
23 this is. I think I may be talking about COVID in this. This  
24 might have nothing to do with the election.

25 When I look at this, I actually think that I am talking

1 about the COVID lockdowns in all of this and that there's fraud  
2 coming from COVID, because I talk about a crazy year that goes  
3 back to normal. The crazy year was the entire lockdown.

4 So are we talking about the lockdown, or are we talking  
5 about January 6? Because when you bring me things like this, I  
6 don't remember specifically. But if you can show me the post  
7 and put this in context, then I can answer the question. I'm  
8 not trying to be evasive, but I am not sure what we are talking  
9 about here.

10 Q So it's possible you were upset about the COVID lockdowns?

11 A Oh, I was very upset about the COVID lockdowns. There's  
12 tons of Facebook posts you have about that.

13 Q Okay. I'm showing Exhibit 808. At the top there's a  
14 comment on January 2 to a post from January 1. Do you see  
15 that?

16 A Yes.

17 Q It states, Well, Nancy, that ain't the worst thing that's  
18 going to happen to you this week.

19 A Yep.

20 Q Did I read that correctly?

21 A Yes, you did.

22 Q You made that comment on January 2?

23 A Sure did.

24 Q Four days before January 6?

25 A Correct.

1 Q And you are talking about Nancy Pelosi here?

2 A Nope. There's a post that you have in there that you  
3 haven't shown that I make a comment about Nancy Sinatra where  
4 she's upset because Trump was going to use her songs at one of  
5 his rallies.

6 Q Okay. So your testimony today is that when you made this  
7 comment, you were talking about Nancy Sinatra?

8 A I think so. Again, it's a comment. I don't have the  
9 whole thing. But you do have in record, you sent it to me,  
10 where it actually shows a comment, a Facebook post about Nancy  
11 Sinatra being upset because Trump was using her song.

12 Q Okay. I'm showing the top of Exhibit 810. At the top  
13 there's a comment on January 3 to a post from January 2. Do  
14 you see that?

15 A Yes. To Brandi Reed Robertson.

16 Q The first sentence states, Let's be honest. Most people  
17 are misinformed at best. Willfully ignorant a majority of the  
18 time.

19 Did I read that correctly?

20 A Yes.

21 Q Do you agree with that statement?

22 A Absolutely.

23 Q You are not trolling here?

24 A No. That part of that statement is absolutely true. But  
25 if you talk the statement in general, no, it's not trolling --

1 Q I'm talking about that specific sentence.

2 A -- but this is from a comment to a patriot party post. So  
3 this is to another patriot party member, I guess. I don't know  
4 exactly what to call it.

5 Q Okay. I'm going to go sentence by sentence. If there's a  
6 different sentiment for a different sentence, you will have an  
7 opportunity to talk about it.

8 A Okay.

9 Q The next sentence, If you have truly done your research,  
10 you know who the true enemy is.

11 Did I read that correctly?

12 A Yes.

13 Q You are not trolling here?

14 A No.

15 Q All right. I am going to skip --

16 A Do you want to know who I think the enemy is?

17 Q There's no question pending.

18 Skipping toward the end. Surround yourself with those  
19 patriots who would lay down their lives for this country?

20 A Uh-huh.

21 Q Did I read that correctly?

22 A Yes.

23 Q You are not trolling here?

24 A Nope.

25 Q Next sentence?

1 A That's the definition of a patriot.

2 Q Prepare for what is coming and be willing to act or get  
3 out of the way.

4 Did I read that correctly?

5 A Hold on. Sorry. Where are we? Where -- did you jump  
6 ahead?

7 Q It's towards the bottom. It's the first sentence.

8 A Oh, you jumped way ahead. I thought we were going line by  
9 line. Prepare for what is coming --

10 Q Did I read that correctly?

11 A Sorry. I didn't hear the thing. I was trying to figure  
12 out where you were at. I'm sorry.

13 Q That's okay. I can reread it. Prepare for what is coming  
14 and be willing to act or get out of the way.

15 A Yes.

16 Q The next sentence, Sic semper tyrannis. This is our  
17 rallying cry and the measure of our resolve.

18 A Yes. Slogan we have talked about that I posted again and  
19 again on --

20 Q So this was a slogan, not trolling, correct?

21 A That is a slogan, correct.

22 Q Next sentence, No more talk, D.C. 1/6/21.

23 Did I read that correctly?

24 A Correct.

25 Q This rallying cry, sic semper tyrannis, I want to spend a

1 minute reviewing other times you posted it.

2 We just saw one on January 3. I'm showing the witness the  
3 bottom of Exhibit 811.

4 A Can I ask what exhibit number that was that you just put  
5 up there?

6 Q The previous one?

7 A Yes.

8 Q 810.

9 A 810. Thank you.

10 Q There are three highlighted comments here, correct?

11 A Uh-huh.

12 Q All comments on January 3?

13 A Yes. They are, again, snippets that I showed some of them  
14 from the patriot party.

15 Q All comments on January 3?

16 A Yes.

17 Q Three days before January 6?

18 A I think the math is correct, yes.

19 Q All three include sic semper tyrannis?

20 A Yes.

21 Q So that's four times now you have posted this slogan on  
22 January 3?

23 A Yes. We can pop -- there's like 20--some you showed  
24 before. They are all -- I posted them all.

25 Q I'm showing the witness the bottom of Exhibit 812. There

1 are five highlighted comments here, correct?

2 A Yep.

3 Q The bottom comment states, Sic semper tyrannis?

4 A Yep.

5 Q You commented that on January 3 too?

6 A Yep.

7 Q So that's the fifth time that day?

8 A That you have shown. It could be more.

9 Q The two comments above it also state sic semper tyrannis?

10 A Yep.

11 Q Those are on January 4?

12 A Yep.

13 Q So now that's seven times over two days?

14 A Sure. Maybe more. I don't know. That's what you have  
15 shown.

16 Q Being from Virginia, you love the state motto sic semper  
17 tyrannis, correct?

18 A Well, I love the state of Virginia. And yeah, sure, it's  
19 the state motto. I don't know that I love it, but it's the  
20 state motto.

21 Q You wanted to use it as a slogan?

22 A Yes. It's the state I'm from.

23 Q You are not trolling when you post it, correct?

24 A No. I was trying to promote people to use the slogan.

25 This has been asked and answered. I don't really know where

1 you are going.

2 Q I want to talk about what you experienced on January 6.

3 Okay?

4 A Okay. Good.

5 Q You were tear-gassed, correct?

6 A Yes, multiple times.

7 Q You claim you saw an old man with blood dripping down his  
8 face when you arrived?

9 A I saw a man with blood dripping down his face and then  
10 watched an old man get clubbed by the police. And a woman  
11 tried to stop that, and she got clubbed is what I stated.

12 Q You claim you saw Capitol Police attacking children?

13 A I didn't say that they attacked children. They threw  
14 munitions and tear gas out into a crowd containing children,  
15 yes.

16 Q So they didn't attack children?

17 A They threw flash-bangs, which are grenades, and they threw  
18 tear gas into a crowd that was children. That feels like an  
19 attack. They physically -- I didn't see anybody actually  
20 punching a child or hit them with a club, though it surely  
21 could have happened.

22 Q That night, the night of January 6, you went back to your  
23 hotel, correct?

24 A Yes.

25 Q You didn't drive back to Minnesota until the next day?



1 A No. We spent the night at the hotel and then took off the  
2 next morning at some point.

3 Q I'm showing the witness the top of Exhibit 812.

4 There are four comments highlighted here, correct?

5 A Uh-huh.

6 Q The bottom comment was at 1:05 a.m. UTC on January 7,  
7 correct?

8 A Yep.

9 Q It states sic semper tyrannis?

10 A Yes.

11 Q The comment above it was at 1:54 a.m. UTC on January 7,  
12 correct?

13 A Yes. I don't know what time that actually makes. I think  
14 that actually would make it the 6th. Isn't that right? What  
15 does UTC make? I don't know the conversion.

16 Q I didn't expect you to be able to do the conversions.  
17 That's why I'm specifying UTC, so that way your testimony is  
18 accurate.

19 A Well, does that change it from the 7th to the 6th?

20 Q It would be late on the 6th, yes, for Eastern Standard  
21 Time.

22 A Okay.

23 Q I'm not asking you what time it was in Eastern Time. I'm  
24 asking you --

25 A I know but -- okay. You asked me the 7th, but I'm trying

1 to figure out the times. So what was --

2 Q The comment above it was at 1:54 a.m. UTC on January 7,  
3 correct?

4 A Sure.

5 Q And it also states sic semper tyrannis?

6 A Yeah.

7 Q The comment above that one was at 2:56 a.m. UTC on  
8 January 7, correct?

9 A Sure.

10 Q It states, Rebellion, sic semper tyrannis, correct?

11 A Okay. Yep.

12 Q The top highlighted comment was at 11:31 p.m. UTC on  
13 January 8, correct?

14 A Yep.

15 Q It states, Traitors, sic semper tyrannis, correct?

16 A Yes.

17 Q These comments all came after the events of January 6?

18 A Presumably, yes.

19 Q You are not trolling here either?

20 A No, but I'm not sure that I actually wrote those because,  
21 as I had stated before and actually Mr. Finnigan had put into  
22 the courts, that Misty was using my phone to try to kick all  
23 the, in her words, quote, lib tards off of her page, so that  
24 entire day of the 7th, we were using her phone as radio and --

25 Q Who did you say testified as to that?

1 A Pardon me?

2 Q Who did you say testified as to that?

3 A Mr. Finnigan wrote a statement that came into the courts  
4 at a bond hearing and stated that he watched her using my phone  
5 and was using it to use my Facebook to troll a bunch of her  
6 people that she didn't want any more, quote/unquote, lib tards  
7 on her page, so she actually started fights.

8 Q He did not testify at this trial, did he?

9 A He did not testify at the trial here, but that doesn't  
10 make it any less true.

11 Q You describe yourself as painfully aware, correct?

12 A Yes. That's actually something me and Mr. Finnigan had  
13 said for, I think, since our childhood. He had a bumper  
14 sticker that just said painfully aware.

15 Q You follow the news?

16 A Somewhat. I try to stay informed.

17 Q In late 2020, after the election in November, you didn't  
18 think the election was definitely stolen?

19 A No. I thought that there was -- once I started to see  
20 allegations of fraud, I thought that there was enough smoke  
21 warranting to look for fire.

22 Q And you wanted those events investigated, correct?

23 A Absolutely, a hundred percent. I still think they should  
24 be.

25 Q Before January 6, you were following the legal challenges

1 to the 2020 election, correct?

2 A I didn't hear that.

3 Q Before January 6, you were following the legal challenges  
4 to the 2020 election, correct?

5 A Yes. And on January 6, I was following the legal.

6 Q But you thought the judicial branch didn't do its job?

7 A No.

8 Q Back before January 6, in December 2020 and the first week  
9 of January 2021, you knew that January 6 was a big date?

10 A Yeah. I didn't know the specific date, but I knew, like,  
11 the process. Yeah, I learned that the 6th was the date of, you  
12 know, certification.

13 Q You knew Congress was meeting that day?

14 A Correct.

15 Q And you knew that it was scheduled, the whole proceedings  
16 for the certification?

17 A Correct.

18 Q You went to the Capitol on January 6 because Congress was  
19 holding those proceedings that day, correct?

20 A Yeah. I went there to support Congress.

21 Q You thought that the election still needed to be  
22 investigated?

23 A Yes, needed to be investigated, a hundred percent. Still  
24 does.

25 Q And in your mind, on January 6, you were convinced that

1 the election should not have been certified that day?

2 A It could have been. I think that they needed to hear  
3 objections and the evidence. It was -- I don't know what the  
4 whole process is. There was a lot of legal question marks  
5 around that of what could and could not be done. That was up  
6 to Congress to determine.

7 Q You answered what could have been. I'm asking you what  
8 you believed should have been.

9 So on January 6, you were convinced that the election  
10 should not have been certified that day, correct?

11 A No. That's not what I'm saying at all.

12 Q Okay. What did you think should happen on January 6?

13 A That Congress --

14 THE COURT: Hold on. It's unclear whether you are  
15 talking about his opinion now or what he thought then.

16 BY MR. JONES:

17 Q On January 6, when you went to the Capitol, you didn't  
18 think that the election should be certified that day, correct?

19 A That -- no, that's not --

20 Q What did you think as you were marching to the Capitol on  
21 January 6?

22 A As I was marching to the Capitol on January 6, the  
23 lead-up, entire lead-up to that, the same reason that I went  
24 there was what was in my head, that we as a group stand there  
25 to support the congressmen and the senators who had publicly

1 stated and put in writing that they were -- had serious  
2 questions around this, that it needed investigation, they were  
3 going to vote to decertify the election. I wanted to show them  
4 a show of support.

5 If they chose to decertify, that's their legal process. I  
6 was there to support the legal process and show support to my  
7 elected officials to go through the process, which may have  
8 included decertification.

9 Q So you were going there to support people who were  
10 objecting to the certification of the election?

11 A I was going there to support my elected officials to do  
12 whatever they deemed the law said that they should do. They  
13 were there to work out some legal things. That's a little  
14 above my pay grade.

15 Q Okay. I would like to talk about your drive to  
16 Washington, D.C. You drove to D.C. for January 6, correct?

17 A Correct.

18 Q You drove from Minnesota?

19 A Yep.

20 Q That's a long drive, right?

21 A It was a haul.

22 Q How long did it take you?

23 A I have made that drive many times. Family is still here.  
24 Anywhere from 16 to 20-ish hours, give or take.

25 Q Depending how many stops you make?

1 A Yeah. We really didn't through there because we drove  
2 through the night. We stopped to use the restroom and maybe  
3 grab some food and gas obviously.

4 Q On January 6, you got to the rally very early that  
5 morning, right?

6 A Yeah. I couldn't tell you the exact time. I want to say  
7 6-ish in the morning, give or take a half hour, something like  
8 that.

9 Q You took a video at the rally at about 7:29 a.m.?

10 A Probably, yeah, sounds right.

11 MR. JONES: This is not currently in evidence, Your  
12 Honor. I'm showing the witness a video from his cell phone.

13 BY MR. JONES:

14 Q Does this look familiar to you?

15 A Yeah. It was obviously early, a bunch of people milling  
16 around.

17 MR. JONES: Government moves Exhibit 918 into  
18 evidence, Your Honor.

19 THE COURT: Admitted.

20 (Government's 918 received in evidence.)

21 BY MR. JONES:

22 Q You went to the rally because you didn't think the  
23 election -- you went to the rally -- the Stop the Steal Rally,  
24 correct?

25 A I went to the rally. I don't know if it was entitled Stop

1 the Steal, but I went to the rally.

2 Q You don't know whether the rally was entitled Stop the  
3 Steal?

4 A I honestly don't, no. I have no idea. I have no clue.

5 Q So you were going to this rally to support your  
6 legislators who were planning to object to the certification,  
7 correct?

8 A Yes. There were some legislators that spoke at the rally  
9 that was held down by the Ellipse. Actually, I think it was  
10 technically on the Washington Monument grounds. And then the  
11 president spoke at the Ellipse. But I watched at least one  
12 congressman that I know, but I think there were multiples that  
13 spoke there.

14 Q You cared deeply about this?

15 A Yes. Why else would I go?

16 Q You also testified that you weren't a political person  
17 before the 2020 election?

18 A No, that's not true.

19 Q That's not true that you didn't -- it's not true that you  
20 testified to that, or it's not true --

21 A I don't know if I testified to that. That would be  
22 inaccurate. I have been politically aware. I don't know if  
23 you would call me political. What I said is I hadn't attended  
24 rallies. From that standpoint, going to, you know, political  
25 rallies and being involved in, like, local politics, that kind



1 of thing, some key issues, but no, I wasn't, like, involved in  
2 politics.

3 Q I understand. So before the December 12 rally, you hadn't  
4 attended any rallies?

5 A There was actually one -- when the tea party was first  
6 formed, I went to a rally -- it's kind of more informational  
7 than anything -- at the state capitols. They had everybody go  
8 there. I showed up with a friend. We listened to some people.  
9 I left and then voted for Obama, so clearly I wasn't that taken  
10 with the tea party. Other than that --

11 Q So you went to a single event, political event, before  
12 December 12, 2020?

13 A Yeah. I mean, there might have been some other minor  
14 things, but nothing like a rally or anything.

15 Q And you are currently 44 years old?

16 A Correct.

17 Q On January 6, 2021, that was seven days before your 42nd  
18 birthday?

19 A That would be correct.

20 Q So in the four decades before the 2020 election, after  
21 attending only one event, there was nothing else that happened  
22 in this country that drove you to attend political rallies?

23 A No.

24 Q But the 2020 election, that was different?

25 A Correct.

1 Q That required you to act?

2 A No. I decided to go to one.

3 Q So you are at the rally very early in the morning with  
4 your then girlfriend, and you brought a backpack with you,  
5 right?

6 A Correct.

7 Q You brought your gloves again?

8 A Yeah, I had a pair of gloves.

9 Q Like you did on December 12?

10 A No, actually. And I actually never had any gloves on the  
11 12th, but if you would like me to elaborate, I can talk about  
12 the gloves on the 12th.

13 Q That's all right. You brought bottled water.

14 A We will talk about it later when we do the redirect.

15 Q You brought bottled water?

16 A Yeah.

17 Q But you didn't have a political sign with you, right?

18 A No.

19 Q You testified that you weren't even really a Trump  
20 supporter, right?

21 A Oh, no, I have never been like any monster Trump  
22 supporter. That was going into 2016. I didn't support Trump.  
23 I don't really like Trump. I thought that he did a good enough  
24 job as president to warrant getting elected again.

25 Q So you weren't there on January 6 for President Trump?

1 A No.

2 Q You were there for Congress?

3 A I was there to support Congress.

4 Q You walked from the rally to the Capitol?

5 A Yes.

6 Q You walked to the Capitol because you knew that was where  
7 the election certification was taking place?

8 A I was there because that's where Congress was, and if I am  
9 going to support them, that's the logical place to address  
10 grievances and have a rally to support Congress. Otherwise, I  
11 could have stayed home.

12 MR. JONES: I am going to pull up Government's  
13 Exhibit 919. This was not admitted in the government's case in  
14 chief, but the defendant played it during his direct  
15 examination. Since he played it, I am going to move to admit  
16 it at this point, Your Honor.

17 THE COURT: Any objection?

18 MR. MOCK: Nope.

19 THE COURT: All right. Admitted.

20 (Government's 919 received in evidence.)

21 BY MR. JONES:

22 Q All right. So I will play it in a moment. But rather  
23 than play all the way through, I am going to have a few  
24 screenshots.

25 So you took this video, correct?

1 A Yes.

2 Q All right. And this is Government's Exhibit 919.1, which  
3 is the screenshot at 6 seconds. That's Ms. Visnovec, correct?

4 A Yes.

5 Q This is Government's 919 at 24 seconds. It's Government's  
6 Exhibit 919.2. And that's Mr. Finnigan?

7 A Yes.

8 Q Okay. I'm showing Exhibit 919.3, which is Exhibit 919  
9 paused at zero seconds. Do you see the purple oval on the  
10 right?

11 A Yes. I believe I pointed this out in my testimony.

12 Q It's circling an area closed sign, correct?

13 A Yes, way off to the side.

14 Q And there's snow fencing there too?

15 A Presumably. I can't really tell, but --

16 Q I'm showing Exhibit 919.4, which is Exhibit 919 paused at  
17 3 seconds. Do you see the purple oval on the left?

18 A Yes.

19 Q It's circling bike racks with a sign on them?

20 A I see it's bike racks. It might be a sign on it, but  
21 yeah, I would assume.

22 Q I'm showing 919.5, which is Exhibit 919 paused at 5  
23 seconds. Do you to see the purple oval on the left?

24 A Yes.

25 Q And circling snow fencing?

1 A Presumably, yes.

2 Q I'm showing Exhibit 919.6, which is Exhibit 919 paused at  
3 8 seconds. Do you see the purple oval on the right?

4 A Yes. It looks like a snow fence with a sign saying that  
5 you can't go on the grass.

6 Q So you can read that from here?

7 A Oh, if it matches what you guys showed in your original  
8 exhibits --

9 Q So you are not reading that from this exhibit?

10 A No. It looks like it's actually turned around, like you  
11 can't read it from this position.

12 Q I'm showing 919.7, which is Exhibit 919 paused at 16  
13 seconds. Do you see the purple oval on the left?

14 A Yes. I don't think you are going to ask me to read that,  
15 are you?

16 Q Sorry?

17 A I don't think I'm supposed to read that, right?

18 Q I'm not asking you to read it.

19 A Okay.

20 Q I'm showing 919.8, which is Exhibit 919 paused at 20  
21 seconds. We saw this earlier in 919.3. Do you see the purple  
22 oval on the right?

23 A Yes, I do.

24 Q It's circling bike racks with an area closed sign?

25 A Yes.

1 Q So at this point you testified on direct that you thought  
2 that those areas were closed, so you didn't go on the grass?

3 A I didn't go on the grass, but as far as where I walked up,  
4 what I testified to is I walked up -- you can see right here,  
5 it's wide open going up this walkway.

6 I walked up a path that I had been up hundreds of times.  
7 And there's a number of times that in D.C., at every single  
8 open area, you see snow fencing out that blocks off areas of  
9 the grass that they don't want you to go on.

10 Q So as you are walking, you saw the barriers on the left  
11 and the right but not --

12 A No, I didn't notice them at all.

13 Q You didn't see them at all?

14 A I didn't notice any barriers. I was looking up. I was  
15 looking back. I was not looking at the ground way off to the  
16 side to see if there was any barriers. Most of the time you  
17 are just trying not to get run over by people because people  
18 are coming and going.

19 So really, I was trying to avoid people, see what was  
20 going on in front of me, see what was going on behind me. I  
21 had a big open path to walk down.

22 I was not trying to see -- there was no reason for me to  
23 even question if I could be on there because there was a  
24 hundred thousand people already there. There was no reason for  
25 me to question if I could be there or not.

1 Q So your testimony is that you weren't looking where your  
2 phone was pointing?

3 A No. I was panning around. I was looking all over the  
4 place. So to specifically find the lower left quadrant of that  
5 particular one in a split second and try to discern what that  
6 thing means, am I allowed to go over there and not here and not  
7 in this spot would have been utterly ridiculous.

8 No, I panned around and looked at the stuff and kept on  
9 about my way, right up an open path.

10 Q By the time you got to this area depicted in Exhibit 919,  
11 you knew that Congress was voting to certify the election,  
12 correct?

13 A No, not at that time. I had no idea when Congress was  
14 actually scheduled to do anything that day.

15 MR. JONES: I am playing 919 starting at 5 seconds and  
16 pausing at 20 seconds. I'm turning the volume up.

17 I want to direct the Court's attention to a woman  
18 wearing a red jacket yelling into a megaphone who will appear  
19 at the bottom of the video.

20 (The videotape was played.)

21 MR. JONES: Paused at 20 seconds. Closing the  
22 exhibit.

23 BY MR. JONES:

24 Q Your testimony today is that at that time you didn't know  
25 Congress was voting to certify the election?

1 A No. I knew it was going to happen that day. I had no  
2 idea what their schedule was. So I had no idea if they were in  
3 session. I figured if Trump was scheduled to speak, he would  
4 do it beforehand, and then we would walk down at some point in  
5 the afternoon. They would start doing what Congress does.

6 Q Okay. So I just want to make sure I understand you  
7 correctly. You knew that they were certifying the election  
8 that day; you just didn't know the specific time?

9 A Correct.

10 Q Okay. Shortly after you took that video, you and  
11 Mr. Finnigan separated?

12 A Well, yeah. I mean, that's a relative term. We went  
13 up -- so that path, I guess, that path leads to the lower west  
14 terrace. So we continued up that path. As I had testified, it  
15 became extremely congested and basically felt like a river, so  
16 we were really -- you are moving forward or you are getting  
17 trampled at a certain point.

18 We got up there, and when we got to the lower west  
19 terrace, we were almost immediately separated. I could see him  
20 in the distance at some point. Intermittently we could see  
21 each other.

22 Q So before the alleged assaults in this case, you two  
23 became separated?

24 A Pardon me?

25 Q Before the alleged assaults in this case, you two became



1 separated?

2 A Correct.

3 Q And after the police officers left the west plaza, you  
4 began trying to reconnect with Mr. Finnigan?

5 A Yes.

6 Q You texted him to look down?

7 A Yeah. Misty actually -- so we were together up until  
8 about -- we were right next to each other and in communication  
9 up until 2:28 based on the video that we have seen. We became  
10 separated for approximately ten-ish minutes.

11 Q Talking about you and Mr. Finnigan?

12 A I know. I was getting to that. She noticed when she  
13 got -- she found me on the lower west terrace when I was  
14 helping to gather together police gear into a pile and keeping  
15 people away, she noticed him up in the -- if you are looking at  
16 the Capitol, the left upper scaffolding area.

17 And we noticed him. I mean, eight bazillion people were  
18 trying to wave and get his attention. It didn't work. I  
19 texted him at some point. I think it actually went through  
20 later, so it's hard to tell text times because they either  
21 blocked all cell phones or there were so many that it jammed  
22 the thing, and text messages were sporadic and intermittent at  
23 best.

24 Q So you did try to reconnect with him after the police left  
25 the west plaza?

1 A Yes.

2 Q Okay. And you texted him to look down?

3 A Yes.

4 Q At that time, he was up in the scaffolding to the left if  
5 you are facing the Capitol?

6 A Correct.

7 Q And you were on the west plaza?

8 A Yeah. I was on the lower west terrace, not -- somewhere  
9 in between, there's two sets of doors, the one that we saw  
10 where officers left, I think there's another one. I was  
11 somewhere in that general area. I couldn't tell you  
12 specifically.

13 Q You were waving your arms at him?

14 A Yeah, I think we waved our arms. And we got the attention  
15 of someone behind him, but even that person couldn't get his  
16 attention.

17 MR. JONES: I am showing the witness Government's  
18 Exhibit 516, and I am going to fast-forward to the 1 minute and  
19 10 second mark.

20 I'm playing from the 1 minute and 10 second mark and  
21 pausing at 1 minute and 14 seconds.

22 (The videotape was played.)

23 BY MR. JONES:

24 Q I am going to press play a little bit and let it run. I  
25 have now paused at the 1 minute and 16 second mark. I'm

1 marking the screen toward the middle of the screen.

2 This is you, correct?

3 A Yep, seems right.

4 Q And you are waving at the scaffolding?

5 A Yeah, sure.

6 Q Before this point, though, you saw a locked door on the  
7 west plaza?

8 A Sure. I don't know. Maybe.

9 Q Had you waited outside it?

10 A I don't know when you are referring to. Right now,  
11 there's -- I think there's a door over there. I don't know.

12 MR. JONES: I am now rewinding 516 to the beginning of  
13 the video to help the witness's recollection. I will unmute.

14 (The videotape was played.)

15 MR. JONES: I have paused at 6 seconds.

16 THE WITNESS: Oh, yeah.

17 BY MR. JONES:

18 Q That's you in the middle of the screen?

19 A Yeah. Not the one with the -- yeah, with the backpack,  
20 not doing anything with the door.

21 Q You are waiting outside of a locked door?

22 A I was actually going to tell these guys not to mess with  
23 the door because we figured out that it just went up top and,  
24 you know, don't mess with stuff that ain't yours. So at some  
25 point I said something to that effect.

1 Q You are waiting outside this door?

2 A No. Actually, I went up to tell them not to do what they  
3 were doing, trying to get into the door.

4 Q Okay. And you saw them prying it open?

5 A Correct.

6 Q All right. I'm now skipping ahead to 6 minutes and 14  
7 seconds. I'm at 6 minutes and 15 seconds. I'm marking the  
8 screen toward the bottom left.

9 MR. MOCK: Real quick here, can I object to relevancy?  
10 This is past all these alleged assaults, and I have testified  
11 that I was standing here. They said nothing has happened.  
12 I don't --

13 THE COURT: Let's see what the question is.

14 BY MR. JONES:

15 Q That's you on the bottom left of the screen with  
16 Ms. Visnovec, correct?

17 A Presumably, yeah.

18 MR. JONES: I am going to skip ahead and play from 6  
19 minutes and 25 seconds and pause at 6 minutes and 36 seconds.

20 (The videotape was played.)

21 BY MR. JONES:

22 Q Again, that's you in that same spot waving your arms?

23 A Asked and answered. Again, what's the point of this?

24 Q I'm going to get to it.

25 THE COURT: Overruled.

1 THE WITNESS: Yeah, maybe. I waved, so that could  
2 have been me waving at that point.

3 BY MR. JONES:

4 Q I am going to go back and press play at 6 minutes and 14  
5 seconds. I am going to unmute it. I want you to pay attention  
6 to what the crowd is chanting.

7 (The videotape was played.)

8 THE WITNESS: We love Trump.

9 BY MR. JONES:

10 Q The crowd is chanting, correct?

11 A Some people are. I don't know if you would call it the  
12 crowd, but a couple people close to that one -- whoever is  
13 taking the video is.

14 Q They are chanting, We stopped the vote, correct?

15 A Oh, I thought they said we love Trump.

16 Q I can go back and play it for you.

17 (The videotape was played.)

18 THE WITNESS: If you say so.

19 BY MR. JONES:

20 Q You don't hear them saying, We stopped the vote?

21 A I don't hear a crowd doing that. I hear a couple of  
22 people saying that, maybe.

23 Q At that time, you knew the vote was stopped, correct?

24 A No, I didn't.

25 Q Okay, Mr. Mock.

1 Later you moved up to the lower west terrace, correct?

2 A I followed Ms. Visnovec to the next level of the lower --  
3 the upper lower west terrace? I don't know how to call it.

4 Q The area outside the tunnel?

5 A Yes. There's two lower west terraces, I'm told.

6 Q You were with Ms. Visnovec, as you just said?

7 A Yes. I followed her.

8 Q While you were up there, you saw broken windows?

9 A Amongst other things.

10 Q You saw people entering the building?

11 A Yeah. I saw people that crawled through that window. I  
12 saw people up near the tunnel, yes.

13 Q You saw multiple breach points?

14 A Pardon me?

15 Q You saw multiple breach points?

16 A I guess. It seemed like -- I mean, there was a broken  
17 window and there was a doorway, which I'm assuming was a  
18 doorway. All I could see was arch at the time.

19 Q How many did you see?

20 A How many what?

21 Q Points where people were entering the building.

22 A Oh, nobody was going through the archway. I was assuming  
23 there was a door there, but it didn't seem like anybody was  
24 going through. There was a window that was to the left. There  
25 was a lady up there with a megaphone. That's when I said,

1 like, things had a bad feel up there.

2 Both Misty and I had said this doesn't feel like the rest  
3 of the rally that we were at and started questioning if that  
4 was Antifa because it didn't feel like the rest of the people  
5 that we were around. It felt -- for the first time, I  
6 testified that it felt organized and not right.

7 Q At that time, you knew the vote was stopped, correct?

8 A No.

9 Q You saw people entering the building through a broken  
10 window?

11 A Yes.

12 Q And you thought the vote was still happening?

13 A I had no idea what was happening inside.

14 Q While you were on the lower west terrace, you found some  
15 goggles?

16 A Yes. On the lower west terrace, I believe that was  
17 somewhere like fairly early from when I got there.

18 Q And you put them on?

19 A Not right away. I didn't until we got up further. I  
20 decided to put them on because my eyes -- we saw the video  
21 where my eyes were all red and had been messed up, and there  
22 was all kinds of tear gas and stuff in the air, so I figured,  
23 Well, I'll put these on. Maybe that will help.

24 Q While you were in the area outside the tunnel, you gave  
25 your backpack to Ms. Visnovec?

1 A At some point she took it. I don't know what she wanted  
2 out of it, but she took it.

3 Q You found a baton?

4 A Something on the ground, yeah. There was a wood -- yeah,  
5 wood baton on the ground.

6 Q And you kept it in your hand?

7 A I picked it up. It looked cool. I was planning on taking  
8 it home.

9 Q You remained on the lower west terrace until after  
10 5:00 p.m.?

11 A Yes, 5:00 -- well, yeah, I don't know the exact time, but  
12 we have gone through it, around 5:00. I wanted to make sure to  
13 beat curfew, so I got out of there before curfew.

14 MR. JONES: I'm showing the witness 105A. I have it  
15 paused at 1 minute and 45 seconds.

16 BY MR. JONES:

17 Q At the top left, this is 5:05 p.m., correct?

18 A I'm sorry, what's the question?

19 Q At the top left, this is 5:05 p.m., correct?

20 A Yes.

21 MR. JONES: I'm going to zoom in on the bottom middle  
22 section and play until 2 minutes and 30 seconds.

23 (The videotape was played.)

24 BY MR. JONES:

25 Q I paused at 2 minutes and 30 seconds. That's you in the



1 red rectangle, correct?

2 A Yeah, I believe so.

3 Q You are still holding the baton?

4 A Yes.

5 Q You only left the lower west terrace once the police began  
6 to retake it, correct?

7 A If you can call it that. There was some police that  
8 actually finally ordered people for the first time to leave,  
9 and I obeyed their orders and left.

10 Q Okay. Now, I want to talk about the events between  
11 2:28 p.m. and 2:35 p.m.

12 A All right.

13 Q I want to make sure that I understand your testimony  
14 correctly.

15 A Uh-huh.

16 Q So before -- I guess, let's go a little bit before  
17 2:28 p.m. when you saw the woman getting shoved on the police  
18 line. Do you remember your testimony about that?

19 A About the woman being shoved on the police line?

20 Q Uh-huh.

21 A Which one?

22 Q The one that you just addressed earlier this morning  
23 around 2:18 p.m.

24 A I addressed multiples. I don't know which one.

25 Q If you don't want to answer that, I can show you --

1 A No, there's multiples, so I don't know which one you are  
2 talking about.

3 Q For the first assault, you are not contesting that it was  
4 you in the video that we have shown?

5 A Correct. I haven't contested me in the video on anything.

6 Q And you are not contesting that you made a kicking motion,  
7 correct?

8 A No, I have never stated that. I have never said that I  
9 made any sort of kicking motion. I said that I was off balance  
10 and my foot was off the ground.

11 Q Okay. So you are not contesting that it was your foot  
12 that was off the ground?

13 A Yes.

14 Q All right. But your testimony is that you were  
15 interacting with the flagpole that was on the ground?

16 A Yes. I kicked that flagpole multiple times. At the time  
17 that my foot was off the ground, I was clearly off balance.  
18 That's why I put my hand on the other guy to support myself.

19 Q You have talked about Capitol Police violence that day  
20 that you claim occurred. Did you see Officer Collins commit  
21 any violence that day?

22 A I could have. I could have. You can't tell the  
23 difference between any of these officers when they are wearing,  
24 you know, all their gear. So I could have.

25 Q At the time that you were next to Officer Collins, were

1 you aware of any specific acts of violence that officer had  
2 committed?

3 A He could have. I watched officers commit violence. But,  
4 again, when they are all dressed the same, I couldn't tell you  
5 in that melee if he was one of the ones that committed violence  
6 that day.

7 Q So you didn't know?

8 A I don't know. It doesn't seem relevant, but okay.

9 Q For the second alleged assault, the one with the flagpole  
10 that you threw --

11 A Uh-huh.

12 Q -- again, you are not contesting identity?

13 A No.

14 Q And you are not contesting you threw it?

15 A I'm contesting the characterization of throwing it, but...

16 Q But you did throw it?

17 A It came out of my hand, yes.

18 Q For assault 3, again, you are not contesting identity?

19 A No, the alleged victim, but...

20 Q It was you who put hands on that person?

21 A The back, I believe, from what the video -- I mean, it's  
22 not a very good video, and it really doesn't show much. I  
23 believe he may have had a backpack on, so I could have pushed a  
24 backpack, but...

25 Q And your testimony is that you were off balance and trying

1 to prevent from falling down?

2 A Yeah. I was pushed up against something, and I fell down.  
3 You can see in the video that I fell.

4 Q And for the fourth assault, again, you are not contesting  
5 identity?

6 A No.

7 Q And you are not contesting that your hands made contact  
8 with Officer Karlsen's shield?

9 A I touched that shield, yep, when he was already starting  
10 to slip.

11 Q Your testimony is that you thought your life was in danger  
12 at that moment?

13 A Correct.

14 Q At that moment, had you seen Officer Karlsen commit any  
15 acts of violence?

16 A I watched officers that were smashing people with shields  
17 right in that area. And, again, they are all dressed the same.  
18 It's all a big melee. It could have been Officer Karlsen. I  
19 didn't know at that time. It was that little group that was  
20 actually the most aggressive at that point was that group of  
21 about three or four or five officers right there. So he was  
22 part of that group that was the most violent group of officers  
23 at that particular time.

24 Q But at that time, you didn't know whether Officer Karlsen  
25 specifically had committed any acts of violence?

1 A That group of three to five officers was the most violent  
2 that I had seen. He was a part of that group.

3 Q But we shouldn't define a single person by an entire  
4 group, correct?

5 A That's actually 1000 percent true.

6 Q So --

7 A So you can toss the 1512.

8 Q At the time, did you know whether Officer Karlsen  
9 specifically committed any acts of violence?

10 A To pull him out of that specific group, it seemed like,  
11 from what I could tell, all of them were engaged in violence  
12 against people there. They were the most violent of that  
13 group. They had those shields. They were using them in a  
14 non-defensive manner.

15 So yes, at that point I had every reason to believe that  
16 Officer Karlsen and that group were aggressive, yeah.

17 MR. JONES: All right. I am going to show the witness  
18 Government's Exhibit 401. I am going to fast-forward to 13  
19 seconds. And I would like to direct the Court's attention to  
20 the woman in the center of the screen.

21 BY MR. JONES:

22 Q Do you see that individual?

23 A Yes.

24 Q Black hat?

25 A Yep.

1 Q White mask?

2 A Uh-huh.

3 Q Black jacket?

4 A Correct.

5 Q I'm going to press play and pause at 21 seconds.

6 (The videotape was played.)

7 BY MR. JONES:

8 Q That person has now grabbed the bike rack?

9 A Hands on the bike rack, yes.

10 Q Her body is leaning into it?

11 A Yes. I don't know. She might have fell forward. I'm not  
12 really sure. She could be pushing on it. She could be doing a  
13 lot of things.

14 MR. JONES: I'm going to press play for a few seconds.

15 (The videotape was played.)

16 BY MR. JONES:

17 Q We just watched the police push her once?

18 A Pardon me?

19 Q We just watched the police push her back?

20 A Yeah. She was up near the -- obviously near the thing.  
21 They pushed her and tried to take her flagpole for some reason.

22 Q I'm going to press play and pause at 55 seconds.

23 A And it looks like they shove and sprayed a bunch of  
24 people.

25 (The videotape was played.)

1 BY MR. JONES:

2 Q So you saw this interaction between the police and this  
3 woman?

4 A I can't say that I saw the exact first second there, but I  
5 saw pushing. And I believe that was one of the women that I  
6 saw get clubbed in the head. I saw lots of women get clubbed  
7 in the head by police officers. And then I see the crowd not  
8 violently reacting, and I see the police pushing the entire  
9 crowd and spraying them because one woman for a second had her  
10 hand on that bike rack. Yes, I saw all that.

11 Q Okay.

12 MR. JONES: I am going to play one more second and  
13 pause at 56 seconds.

14 (The videotape was played.)

15 BY MR. JONES:

16 Q And like you testified earlier, that's you on the far  
17 right?

18 A It sure is.

19 Q Other rioters helped that woman out, correct?

20 A Yes.

21 Q But not you, right?

22 A No. I think the dozen or so were doing a good job of it.

23 Q I am going to play until 2 minutes and 8 seconds.

24 (The videotape was played.)

25 THE WITNESS: Do you want me to tell you what's

1 happening here?

2 BY MR. JONES:

3 Q There's no question.

4 A Huh?

5 Q There's no question pending.

6 (The videotape was played.)

7 MR. JONES: Pause at 2 minutes and 8 seconds.

8 BY MR. JONES:

9 Q The woman who officers pushed is now standing next to you,  
10 correct?

11 A It looks like it.

12 Q I'm going to play until 2 minutes and 30 seconds.

13 (The videotape was played.)

14 BY MR. JONES:

15 Q That woman stayed next to you?

16 A I guess. I was talking to the officers trying to calm the  
17 situation.

18 Q And you didn't talk to that woman?

19 A I don't know. I could have at some point. Not right at  
20 this second it doesn't look like I'm talking to her.

21 Q The time at the top right is 2:20 p.m., correct?

22 A Yes.

23 Q Soon after this happened, you took a selfie video.

24 MR. JONES: I'm playing 914A.

25 (The videotape was played.)



1 BY MR. JONES:

2 Q And you wanted to confront those thugs, right?

3 A Yeah. I talked to them, clearly.

4 Q And you wanted the mob to help?

5 A I talked to those officers, which you saw me doing, and  
6 then I made a video to document that time because I watched  
7 officers hit a lady in the head with a club because she dared  
8 to touch their bike rack.

9 Q I'm showing Exhibit 506.1. You agree that this is you in  
10 the center of the picture, correct?

11 A Yep.

12 Q Let's watch the video for 506.

13 (The videotape was played.)

14 MR. JONES: I have paused at 25 seconds.

15 BY MR. JONES:

16 Q This was before the police line broke, correct?

17 A Shortly before, yeah. They had just thrown a whole bunch  
18 of tear gas out into the crowd and then took those bike racks  
19 and started shoving them into people. And I believe that's the  
20 point where they clubbed me and a couple other people, and they  
21 were trying to keep pushing into us, which was creating that  
22 sandwich effect. People were getting sandwiched back and  
23 falling over.

24 So yeah, bringing that forward is what we were trying to  
25 do, to not get pushed back and attacked and trample people

1 anymore, because every time they threw tear gas and moved  
2 forward, they trampled ladies, old people, the infirmed.

3 MR. JONES: I am now showing Exhibit 507 and pausing  
4 at 16 seconds.

5 (The videotape was played.)

6 BY MR. JONES:

7 Q That's you in the center of the screen, correct?

8 A Correct, watching other people do stuff.

9 MR. JONES: I am going to play from 16 seconds to 20  
10 seconds. As I press play, I want to direct the Court's  
11 attention to a wood post being thrown from the right side of  
12 the screen to the left and hitting an officer.

13 (The videotape was played.)

14 BY MR. JONES:

15 Q You watched that happen, correct?

16 A Yes. Are you going to play the whole thing?

17 Q Yes.

18 MR. JONES: I am now playing from 20 seconds to the  
19 end, 24 seconds.

20 THE WITNESS: Okay.

21 (The videotape was played.)

22 BY MR. JONES:

23 Q After the wood post hit the officer, you clapped?

24 A Actually, after the wood post hit the officer, he and  
25 another guy caught it, and somebody caught him.

1 Q After the wood post hit the officer, you clapped?

2 A After the wood post was caught by officers, I clapped the  
3 catch.

4 Q So you did clap?

5 A I clapped the officer for catching the big post that was  
6 thrown, yes.

7 Q Between alleged assaults 1 and 2, there's a gap of a few  
8 minutes, and I want to try and fill in some of that gap.

9 I'm showing Exhibit 509, and I am going to have it paused  
10 at 0 seconds.

11 BY MR. JONES:

12 Q This is you right beneath the blue Trump flag, correct?

13 A Correct.

14 MR. JONES: I am going to play it to 24 seconds.

15 (The videotape was played.)

16 MR. JONES: I have paused at 24 seconds.

17 BY MR. JONES:

18 Q You are now in the bottom left side of the screen with a  
19 Nike backpack showing?

20 A Yep.

21 Q I am going to play until 1 minute and 16 seconds, and I  
22 believe this will show the next minute of your conduct, so I  
23 want to track you.

24 (The videotape was played.)

25 MR. JONES: I am going to go back a second.

1 BY MR. JONES:

2 Q This is you at the bottom center right here (indicating)  
3 with the Nike backpack?

4 A I'm not sure really where I'm at in that particular  
5 second. If you say so. I'm somewhere in that general area.

6 MR. JONES: I'm going zoom in and play for another  
7 five seconds.

8 (The videotape was played.)

9 BY MR. JONES:

10 Q Do you now recognize yourself?

11 A Sure.

12 Q We watched you motioning your arms, correct?

13 A Yep.

14 Q Toward the people who were behind you?

15 A Sure.

16 Q You wanted them to come forward?

17 A Yes. I didn't want the police to start grabbing those  
18 same bike racks and start pushing into us again because they  
19 had done that continuously. We wanted them to leave. And if  
20 you stayed back, they are going to go fill that in again and  
21 start attacking us again and stampeding and doing exactly what  
22 they had been doing all day.

23 So yes, we wanted them to leave, not to mention we heard  
24 the order for them to leave, so yes, we wanted them to leave.

25 Q I'm going to pick up that point in another video.

1 MR. JONES: I'm showing Exhibit 512. I am going to  
2 have it paused at 1 minute and 45 seconds.

3 BY MR. JONES:

4 Q This is you in the center of the screen?

5 A I believe so.

6 MR. JONES: I'm going play until 2 minutes and 3  
7 seconds.

8 (The videotape was played.)

9 BY MR. JONES:

10 Q We just watched police officers spray you, correct?

11 A Yeah. He sprayed a lot of people. I was hit too.

12 Q All right. Finally, I am going to get to assault 4, and I  
13 am going to show Exhibit 513F.

14 THE COURT: I tell you what. Why don't we take our  
15 luncheon recess at this point. All right. So we are going to  
16 return at 1:45. All right? 1:45, everyone. And --

17 MR. JONES: For what it's worth, Your Honor, I'm at  
18 page 22, and I go to page 25, so I'm very close to the end.

19 THE COURT: Okay. Great. Thanks so much.

20 Okay, 1:45.

21 (A recess was taken at 12:26 p.m.)

22 THE COURT: Good afternoon, folks. Anything  
23 preliminary, government?

24 MR. JONES: No, Your Honor.

25 THE COURT: Mr. Mock?

1 MR. MOCK: I can do it on redirect. I would like to  
2 get my exhibits in the record.

3 THE COURT: All right. So they are admitted. I will  
4 admit your exhibits, and then we can figure out a way to  
5 provide them to me.

6 MR. MOCK: I have got them downloaded right now on a  
7 flash drive.

8 THE COURT: That's fine.

9 MR. MOCK: That will work?

10 It will be done in minutes.

11 THE COURT: That's fine. I don't need it anytime  
12 soon.

13 I will have you retake the stand.

14 And, Mr. Jones, you may resume.

15 MR. JONES: Thank you, Your Honor.

16 BY MR. JONES:

17 Q We stopped at assault 4, and I want to pick back up there.  
18 Okay?

19 A Okay.

20 Q So I'm a little bit unclear about your direct testimony  
21 about assault 4, and I just want to make sure I understand it.  
22 All right?

23 This is the assault on Officer Karlsen where he has his  
24 shield up. Do you remember that?

25 A Uh-huh.

1 Q Is it your testimony that you didn't push him or that you  
2 did push him?

3 A My hands came in contact with his shield.

4 Q Did you just lightly touch his shield, or did you push  
5 him?

6 A I can't say to the extent in which I contacted that  
7 shield. It's characterized as a push, touching. It wasn't  
8 anything where I had my full force behind it. It was actually  
9 an upward push. If you look at the video, my hands are moving  
10 upwards.

11 Q So at the time, you thought your life was in danger?

12 A Yes.

13 Q And you didn't use your full force?

14 A Nope. No. It was a split-second reaction.

15 MR. JONES: Okay. I'm showing Exhibit 513.f, and I am  
16 going to play to the 9 second mark.

17 (The videotape was played.)

18 BY MR. JONES:

19 Q That's you in the yellow circle, correct?

20 A Correct.

21 Q And your testimony is right before this moment, you  
22 thought you heard Officer Karlsen tell you something or I'll  
23 shoot?

24 A Yes. I heard -- the shoot is what sticks out in my mind.  
25 As I had said before, and it has been consistent, there was

1 something garbled, but as his hand and his head go down to his  
2 right side, I heard I'll shoot.

3 MR. JONES: And I'm going to move forward just another  
4 half second. This is at the 10 second mark.

5 BY MR. JONES:

6 Q Officer Karlsen is now turned to the side, correct?

7 A Uh-huh. Well, no, his head looked down.

8 Q His head is moved to the side?

9 A Yeah, he was looking down at his --

10 Q And your testimony was that you thought he was looking  
11 down at his gun?

12 A Yes.

13 Q The gun that was on the left side of his body?

14 A No. I found out afterwards, the testimony from Karlsen  
15 was it was on his left side. I couldn't see through that  
16 shield other than to tell the motion of his hand down there and  
17 his head that he was moving it towards his waist. I assume  
18 being right-handed, most people are right-handed. And it would  
19 be on the right side.

20 MR. JONES: I am going to play to the end.

21 (The videotape was played.)

22 BY MR. JONES:

23 Q So you shoved him because you thought he was reaching for  
24 his firearm and you were in danger?

25 A Yes.



1 MR. JONES: I am going to show the defendant -- the  
2 witness Exhibit 103.a. I am going to move forward to the 1  
3 minute mark.

4 BY MR. JONES:

5 Q And again, that's you in the yellow circle, right?

6 A Yep.

7 Q All right. And this is right before you shove or you  
8 touch Officer Karlsen?

9 A Yeah, I believe so.

10 MR. JONES: I am going to play to the 1 minute and 8  
11 second mark.

12 (The videotape was played.)

13 BY MR. JONES:

14 Q And we just watched you touch Officer Karlsen's shield,  
15 correct?

16 A Yes.

17 Q And again, at this moment in time, you thought your life  
18 was in danger?

19 A I had just heard someone say I'll shoot and went for a  
20 gun, so yes, I was pretty well in shock at that moment. My  
21 split-second reaction because I have never had someone threaten  
22 to shoot me, obviously in that moment of all the chaos that was  
23 going on, it was perfectly reasonable to think someone might  
24 shoot me. I had just been blown up. I was watching people  
25 shoot into the crowd.

1 Q So you thought your life was in danger?

2 A Yes.

3 Q But you don't turn around and run after this, do you?

4 A No. There was a whole bunch of people right there behind  
5 me.

6 Q The officer who you just shoved still has a gun to the  
7 best of your knowledge, right?

8 A Yes.

9 Q And the officers around him also have guns?

10 A Yes.

11 Q But you don't run?

12 A No.

13 Q You don't put your hands straight up in the air?

14 A Actually, I do a little bit later here. My hands are up  
15 in the air --

16 Q At this moment you don't have hands up, don't shoot?

17 A No. I was in shock at that point that there was an  
18 officer on the ground because I didn't expect that to happen.  
19 I just watched him slip and fall, so I was shocked, because I  
20 actually didn't contact that shield very hard, that he actually  
21 fell over.

22 Q In so much shock that you had the state of mind to take  
23 two riot shields on the ground?

24 A No. When I saw the riot shields that were on the ground,  
25 I was worried that somebody was going to do exactly what the

1 officers had done and start smashing people. I moved them away  
2 from the line. I didn't want anybody to use those as a weapon.

3 Q I just want to make sure I understand. So you are in a  
4 state of shock --

5 A I didn't say I was in a state of shock.

6 Q -- for a few seconds, and then you see riot shields on the  
7 ground. And that sort of wakes you up, and you are no longer  
8 in the state of shock?

9 A No. I said I was shocked. I didn't say I was in a state  
10 of shock. That's two different things.

11 Q You were shocked, but you weren't in a state of shock?

12 A Correct. State of shock, someone could be catatonic. I  
13 was clearly not catatonic. I was shocked that the tiny bit of  
14 contact that I made, the officer slipped and fell over.

15 Q Okay. And then after you were shocked, you did not run  
16 because you were not in a state of shock?

17 A Correct.

18 Q Okay.

19 A I stood there.

20 Q Because you were in fear for your life?

21 A I had been in fear when I heard I'll shoot and he went for  
22 a weapon. He fell over. Officers had his hands at that point  
23 and were pulling him up. So it would have been very difficult  
24 if officers were lifting him off the ground for him to do  
25 anything.

1 Q So you weren't afraid for your life anymore because you  
2 just shoved him?

3 A No. I wasn't in fear -- this was a split-second reaction.  
4 I wasn't in fear because officers had come over, grabbed him  
5 and picked him up, and these officers were now exiting.

6 I was in fear the entire time that the officers were there  
7 attacking people. I stopped being in fear when they left. So  
8 I was in fear the entire time that I was there and they were  
9 shooting people and attacking people. I thought that my life  
10 was in danger the entire time that I was standing there.

11 Q So you --

12 A Everybody's life was in danger the entire time they were  
13 standing there getting attacked by officers.

14 Q Okay. I want to make sure I understand this. So the  
15 entire time you were standing there, you think your life is in  
16 danger?

17 A Potentially, yes. They are shooting munitions at us.

18 Q One second. One second. So the entire time your life is  
19 in danger, but at this moment, you shove Officer Karlsen?

20 A Allegedly, I touched his shield. My hands came in contact  
21 with his shield. It was a split-second reaction and --

22 Q There were other officers to his left, to his right, and  
23 you don't touch their shields?

24 A No. I didn't touch anybody's shield up to that point. I  
25 was trying to lead officers out of there. I patted some on the

1 back.

2 Q So Officer Karlsen was uniquely dangerous to you?

3 A I heard I'll shoot, yes, and his hand comes off and goes  
4 for what I thought was a weapon. That would be unique, yes.

5 MR. JONES: I'm playing from the 1 minute and 8 second  
6 mark to the 1 minute and 20 second mark.

7 (The videotape was played.)

8 BY MR. JONES:

9 Q After this, you did push other officers' shields, correct?

10 A After this, I did push other officers' shields? That's a  
11 question?

12 Q I can replay 1:08 to 1:20 if you weren't watching.

13 (The videotape was played.)

14 BY MR. JONES:

15 Q Did you touch other officers' shields?

16 A Apparently.

17 MR. JONES: I am playing to the end.

18 (The videotape was played.)

19 BY MR. JONES:

20 Q So after you are in fear for your life and you touch  
21 Officer Karlsen's shield but not shove him even though you are  
22 in fear for your life, you then take two riot shields and pass  
23 them back into the crowd, is that right?

24 A Yeah, I got them away from the front.

25 Q The same officers who have guns that made you fear for

1 your life before, you were worried about them using shields?

2 A I was worried about anybody using shields as a weapon. I  
3 just watched them use their shields as weapons to smash people  
4 in the face, we saw earlier.

5 Q You were worried as rioters using shields as weapons?

6 A Yes. I was worried that anybody would pick that up and  
7 use it as a weapon.

8 Q (Inaudible.)

9 A No, no. I pushed --

10 (There was an interruption by the court reporter.)

11 BY MR. JONES:

12 Q So you passed the shields back to other rioters?

13 A I pushed them away from the front. That was what my  
14 intention was was to get them away from the front so nobody  
15 picked them up and used them as a weapon.

16 Q So you testified that you saw a lot of violence from the  
17 police that day, correct?

18 A Yes.

19 Q I assume that made you pretty upset.

20 A Certain things, yes, there were certain things they did,  
21 certain officers did, that yes, made me upset.

22 Q And on January 6, while you are at the Capitol grounds,  
23 you took multiple videos, correct?

24 A Yes.

25 Q We watched several of them today, correct?

1 A Yes. I mean, generally speaking, those were when things  
2 were at their lightest because...

3 Q You took a video at 2:03 p.m. by the police line?

4 A It was around 2:00. It was the one I showed earlier, I'm  
5 assuming?

6 Q It's Government's Exhibit 913. You showed it, I believe,  
7 twisted to the side.

8 A Okay. Yeah, it was around 2:00. That sounds right.

9 Q You took another video at 2:22 p.m. That's the selfie  
10 video by the police line?

11 A Yeah. I took a number of videos.

12 Q Later you took a video after the police left the west  
13 plaza at 2:54 p.m.?

14 A Sounds right.

15 Q And even later than that, you took a video when you were  
16 back on the west plaza at 5:16 p.m.?

17 A Yes, sounds right.

18 Q So you had your phone on you the whole time?

19 A Yes.

20 Q Surely once you saw Capitol Police attacking people  
21 maliciously, you took a video of it, right?

22 A No.

23 Q Maybe just a picture?

24 A No.

25 Q The night of January 6, you went on Facebook, correct?

1 A The night of January 6?

2 Q Yes.

3 A I do not recall.

4 Q Do you remember making several comments on Facebook?

5 A I don't recall.

6 Q I'm showing the witness Government's Exhibit 812. In  
7 fact, you commented sic semper tyrannis three times that night,  
8 correct?

9 A Again, that could have been me. That could have been  
10 Misty. I don't know in the course of the 6th, 7th. The 6th,  
11 7th, and 8th, both her and I had access to my cell phone. I  
12 made some comments. I don't know if I made any comments on  
13 Facebook, quite frankly. I know that she made a ton. I was  
14 driving most of the time. We ate, I slept, we got up, and we  
15 drove. And I was the one driving the whole way, so I don't  
16 know.

17 I know she was using my Facebook to make comments, so I  
18 can't take credit -- I'll take credit for anything that I know  
19 that I did. I can't tell you that I made what I made, if any,  
20 those days.

21 Q You weren't driving the night of January 6, were you?

22 A No. We came home, we ate, and we slept. I don't recall  
23 if I ever made any posts.

24 Q On the night of January 6, you didn't comment on Facebook  
25 anything about Capitol Police violence, did you?



1 A I could have. I do not remember. That's asked and  
2 answered. I don't know what else to tell you.

3 Q The next day, on January 7, you didn't comment anything  
4 about Capitol Police violence attacking children, did you?

5 A I could have. I do not recall.

6 Q You were texting with your son AJ on January 6, correct?

7 A Correct.

8 MR. JONES: I'm showing the witness Government's  
9 Exhibit 910.

10 BY MR. JONES:

11 Q On January 6, you told your son that it was a hell of a  
12 fight, correct?

13 A Yes.

14 Q You told him that you got gassed?

15 A Yes.

16 Q That you and Mr. Finnigan got clubbed?

17 A Yes.

18 Q That you did some damage?

19 A That isn't exactly right, but okay.

20 Q I'm looking at the middle text message at 5:05 p.m. from  
21 you saying, quote, I did some damage. Did I read that  
22 correctly?

23 A Yes, but that, again, isn't the complete text.

24 Q Did I read that correctly?

25 A You read that correctly, but it is not in context. You

1 can take it out of the context and infer what you want.

2 Q You told your son that the police gassed and attacked,  
3 quote/unquote, people?

4 A Yes.

5 Q But you didn't tell him anything about children?

6 A Specifically, I don't know. You've got an incomplete  
7 text. If you want me to comment on incomplete texts and stuff  
8 out of context, I can do so. I know what you are trying to  
9 infer, but give me the whole thing, and we can talk about the  
10 whole thing.

11 Q You will have an opportunity on redirect to show the Court  
12 whatever you would like, but right now we are going to talk  
13 about Government's Exhibit 910.

14 So when you are texting your son AJ on January 6, you  
15 don't mention an officer attempting to shoot you?

16 A Nope.

17 Q You don't mention being in fear for your life?

18 A Nope.

19 Q But you did mention, I did some damage?

20 A Again, out of context, yes.

21 Q And you told him, Now they understand the measure of our  
22 resolve, correct?

23 A Again, out of context --

24 Q Correct?

25 A -- sure.

1 Out of context, yes.

2 MR. JONES: I'm showing the witness Government's  
3 Exhibit 909?

4 THE COURT: Nothing is up on the screen.

5 Okay

6 BY MR. JONES:

7 Q On January 6, you told Mr. Finnigan you were -- you were  
8 texting Mr. Finnigan during January 6, correct?

9 A Yes.

10 Q On January 6, you told Mr. Finnigan about talking to AJ,  
11 correct?

12 A Yep.

13 Q You told him about getting sprayed?

14 A Yes.

15 Q You told him you took three gates?

16 A Yep.

17 Q Two shields?

18 A Yep.

19 Q And a bunch of equipment?

20 A Correct.

21 Q You told him you took down six cops?

22 A Actually, it says that. And that was -- I got took down  
23 by at least six cops. Got knocked on my butt. I was telling  
24 him all the things that happened to me. I got sprayed  
25 directly, took a flash-bang, was telling him all the things

1 that happened to me because I clearly did not take down six  
2 cops, but I did get put on my butt repeatedly by them.

3 Q Later Mr. Finnigan says, They are bashing windows and  
4 stole mace canons and dragged a cop out to the point above you,  
5 correct?

6 A Yes.

7 Q And you reply, Sweet, correct?

8 A Not exactly. If you look down at the bottom there, you've  
9 got a huge time gap in between those. And Connor and I are a  
10 little childish at times. And I actually refer to him as --  
11 have you ever seen the movie Dude, Where's My Car?

12 We refer to each other as dude and sweet. At times when  
13 I'm trying to get Connor's attention, I call him sweet because  
14 he calls me dude over and over again. It kind of became a  
15 running joke because I find it actually incredibly ignorant to  
16 call someone dude. So it became a running joke if I say dude  
17 and sweet. If you see a sweet in there, I've taken to saying  
18 that more often but, you know...

19 MR. JONES: No further questions, Your Honor.

20 THE COURT: Thanks so much. Mr. Mock, redirect.

21 MR. MOCK: I just want to hit one thing real quick if  
22 I can grab --

23 THE COURT: Okay.

24 MR. MOCK: That flash drive is about 97 percent, so I  
25 will have that over in a moment.

1           There's two things I would just like to comment on on  
2 redirect.

3                                 REDIRECT EXAMINATION

4           MR. MOCK: Mr. Jones had put up a Facebook post, I  
5 believe, a comment, actually, where I had made a reference to  
6 the true enemy. I would just like to state for the record, as  
7 far as who I see to be an enemy to the people, are we'll call  
8 it the uber wealthy, the bankers, those who really run  
9 everything.

10                 That's why I commented further on in this talking  
11 about how we fix the system is fixing the economy is fixing the  
12 monetary system which I see to be horrifically corrupted. It's  
13 okay for me to have that belief.

14                 The other thing he mentioned were gloves, me having  
15 gloves to take to the Capitol.

16                 Again, me and Connor tend to be a little bit childish.  
17 That's what happens when you have childhood friends. Coming up  
18 to Christmas there, I had bought for my children Hulk gloves,  
19 and we had been joking about Antifa and if we went to a rally,  
20 bring the Hulk gloves because we had watched someone do a big  
21 cartoon windup and sock some Antifa guy and knock him down.

22                 So when I got Hulk gloves for my kid for Christmas  
23 that we had talked about, that's what Connor was referencing  
24 when he goes, Hey, did you bring your gloves to D.C.?

25                 Yeah, brought them for Antifa, and I brought my bail

1 money.

2           Again, out of context and taking comments basically  
3 when you see the truth, it changes it quite a bit.

4           That's all I've got, Your Honor.

5           THE COURT: Okay. Thanks so much. Other evidence you  
6 wish to present, Mr. Mock?

7           MR. MOCK: No, Your Honor. Defense rests.

8           THE COURT: Okay.

9           Do you wish to renew the Rule 29 motion at this point?

10          MR. MOCK: Yes, Your Honor, if you will take oral  
11 argument to Rule 29 at this time.

12          THE COURT: Let me ask, is the government planning on  
13 introducing any rebuttal evidence or no?

14          MR. GORDON: No, Your Honor, we're not.

15          THE COURT: All right. Then I think the Rule 29 can  
16 be part of the -- I'll just incorporate that into closing  
17 arguments.

18          Okay. So let me ask you folks, are you prepared to  
19 give closings now? I could give you a little -- I can give you  
20 a recess, a little more time. I would like to definitely do  
21 them today. Let me look at my schedule a moment.

22          I want to hear them today, and then I can issue my  
23 verdict tomorrow morning.

24          Given that I have time this afternoon, if you folks  
25 want some time between now and when you deliver your closings,

1 in other words, I will give you as long as you want to recess.  
2 In other words, I can give you 15 minutes. I can give you an  
3 hour.

4 One second.

5 So government have a preference about how long a break  
6 you want?

7 MR. GORDON: Can we work backwards from when you would  
8 like to stop for the day and then talk to Mr. Mock about how  
9 long he intends to close for, because we would like to finish  
10 today.

11 THE COURT: I absolutely intend to finish today.

12 Let me ask the government, how long are both your  
13 closings going to be? And again, what would be most helpful  
14 for me in your closings is, again, to see the specific video  
15 snippets regarding the charged assaults. That would be the  
16 most helpful. But how long do you need for both closings?

17 MR. GORDON: We probably need -- you know, we think an  
18 hour and a half will do it, but just to be conservative, I see  
19 the reaction from the Court, of course.

20 THE COURT: I would say like 45 minutes would be  
21 absolutely plenty for both closings.

22 Again, we have been here. I have been here. Show me  
23 the evidence again, which I did see and paid attention to. So  
24 I will give you 45 minutes.

25 MR. GORDON: Understood.

1 THE COURT: Mr. Mock, I will give you the same.

2 MR. MOCK: I think I can do it in less. I don't plan  
3 on showing anything. I would think everyone would appreciate  
4 that.

5 THE COURT: I would think you can too.

6 All right. So that said, that's a max of an hour and  
7 a half. So you want to start at 3:00? How's that?

8 MR. GORDON: That works for the government.

9 THE COURT: Mr. Mock?

10 MR. MOCK: Yes, Your Honor.

11 THE COURT: All right. Recess until 3:00. Thanks.

12 (A recess was taken at 2:11 p.m.)

13 THE COURT: Welcome back, everybody.

14 Anything preliminary, Mr. Gordon? Are we ready to go?

15 MR. GORDON: One thing, Your Honor.

16 THE COURT: Yes.

17 MR. GORDON: We were looking back at the parties'  
18 proposed jury instructions or proposed legal instructions and  
19 noticed that for Count 6, we had provided only for 111B, which  
20 no longer is, you know, sort of in play because of Your Honor's  
21 prior ruling about deadly or dangerous weapon. Sorry, Count 5.

22 So Count 5, which is 111B, now the instruction would  
23 now be wrong, and it should match the instruction for Count 6.

24 THE COURT: Right. Yes, agreed.

25 MR. GORDON: Which has as an alternate Capitol Police



1 or Metropolitan Police. I just wanted to raise that for the  
2 Court. Otherwise, we are done.

3 THE COURT: All right. Thank you.

4 Mr. Mock, anything preliminary.

5 MR. MOCK: No.

6 THE COURT: Government may close.

7 MR. JONES: Thank you, Your Honor.

8 On January 6, at 2:28 p.m., Brian Mock was standing  
9 face-to-face with Capitol Police officers on the west plaza,  
10 Capitol Police officers who were there to protect the Capitol  
11 building and, more importantly, the members of Congress and  
12 their staff who were inside the building certifying the  
13 election.

14 Brian Mock was convinced that the election should not  
15 be certified, and he was tired of standing around. He stood  
16 around on December 12 at another rally and saw that it changed  
17 nothing.

18 The morning of January 6, he stood at the Stop the  
19 Steal Rally and knew it would change nothing.

20 And then the days in between December 12 and  
21 January 6, he took to social media to complain about people who  
22 were not brave enough to do what needed to be done, people who  
23 were all talk, no action.

24 By the time Brian Mock found himself facing down the  
25 Capitol Police at 2:28 p.m., he knew that he needed to act. So

1 at 2:28 p.m., when the police line first broke, Brian Mock  
2 acted.

3 Over the next seven minutes ending at 2:35 p.m., Brian  
4 Mock moved a bike rack out of his way. He then exploited  
5 moments of weakness to commit four assaults.

6 He saw Officer Collins on the ground trying to get up,  
7 and Mr. Mock pushed him back down.

8 He then kicked Officer Collins while he was on the  
9 ground, assault 1.

10 As the police fled the mob violence, in his own words,  
11 Mr. Mock pursued them. He threw a flagpole at them, assault 2.

12 When one officer was isolated in the mob with his back  
13 to Mr. Mock, Mr. Mock shoved him, assault 3.

14 Officer Karlsen was attempting to shield his fellow  
15 officers from the mob when he looked over his shoulder to find  
16 the stairs behind him. Mr. Mock seized on that split-second  
17 moment of weakness and shoved Officer Karlsen to the ground,  
18 assault 4.

19 He looted Officer Karlsen taking his riot shield and a  
20 second shield for good measure.

21 Over the seven minutes between 2:28 p.m. and  
22 2:35 p.m., Mr. Mock and his fellow rioters forced Capitol  
23 Police to abandon the west plaza and retreat into the lower  
24 west terrace tunnel.

25 After Mr. Mock and Ms. Visnovec regrouped, they went

1 up to the tunnel. Brian Mock put on goggles. He made  
2 Ms. Visnovec hold his backpack. He picked a baton, and he  
3 waited outside the tunnel occupying the lower west terrace  
4 until after 5:00 p.m. when police officers forced rioters back  
5 down to the west plaza.

6 Before we broke, the Court mentioned that it was most  
7 interested in reviewing the clips of the assaults, and I am  
8 prepared to go directly into them, Your Honor.

9 So first, this is a clip, a screenshot, from  
10 Government's Exhibit 101 showing the --

11 MR. MOCK: We don't have that video.

12 MR. JONES: 101?

13 MR. MOCK: It's not on our screen.

14 Thank you. That was way too easy.

15 MR. JONES: So the evidence is obviously very broad in  
16 this case from mid-December to mid-January, but I am going to  
17 try to focus the Court's attention to a seven-minute period.

18 So at 2:28 p.m. on the dot, on the south side of the  
19 west plaza, the line is broken. But on the north side of the  
20 west plaza where Mr. Mock is, the line has not yet broken. It  
21 will break less than a minute later.

22 Within seven minutes, at 2:35 p.m., the west plaza is  
23 totally overrun. Officers are forced into the bottom left  
24 corner of the screen where they slowly and in a single file  
25 make their way up the steps and then back into the lower west

1 terrace tunnel.

2 In those seven minutes, mob violence overwhelmed the  
3 police, and the defendant was instrumental in his effort.

4 So I want to make sure I place the defendant properly  
5 within all of what happened. So this is a far-out shot. This  
6 is zoomed in. At the mark where it says zero is where the  
7 defendant was on the police line before the police line broke.

8 It was there where he moved the police barrier in  
9 Government's Exhibit 401.7 taken from the video 401. This  
10 initial act was captured in open source video at Government's  
11 Exhibit 510, and the screenshot of it is 510.2.

12 I would like to also direct the Court's attention to  
13 Ms. Visnovec's selfie video, Government's Exhibit 815.a, where  
14 she says, quote, I was pulling the gates away after Brian  
15 removed them.

16 From that point, he advanced forward closer to the  
17 Capitol to assault 1, which is marked on the slide in front of  
18 you, where he committed assault 1 at 2:29 p.m.

19 The screenshot here is Government's Exhibit 402.3.  
20 The first video of this kick, and I want to pause right here  
21 because I think this has been under-discussed. And it's not  
22 pausing, so I am going to have to use the screen, which is  
23 fine.

24 So pulling it back to right here, Mr. Mock shoves  
25 Officer Collins to the ground before any alleged kick happens.

1 This alone would be enough to satisfy the alleged assault. But  
2 Mr. Mock goes a step further.

3 I don't know why this is not playing, Your Honor.

4 There we go.

5 So this is the next body-worn camera that I will pause  
6 right before Mr. Mock kicks Officer Collins. And you will see  
7 him raise his right leg and kick toward Officer Collins.

8 And then what is probably the government's best  
9 evidence of this assault is 509.a. And this is the video  
10 that's in slow motion and zoomed in. It's an open source  
11 video. And you will see Mr. Mock kick Officer Collins on the  
12 ground.

13 And I doubt it's going to cooperate, but I would like  
14 to see if I can do this.

15 Okay. So I want to direct the Court's attention here.  
16 I am going to go backwards to help the Court follow the  
17 defendant's foot. Okay?

18 So this is as he's pulling away, but in this, it's  
19 going to look like this is the kicking motion, but in fact,  
20 it's him pulling away. I'm just doing it to show the foot.

21 If the Court follows his right foot, it's now  
22 underneath the other rioter's groin, and then it's going to pop  
23 out above his left thigh. Right there.

24 Of course this is not cooperating as much.

25 Assault 1 is captured from multiple video angles. I

1 can review more of them if the Court prefers. I have reduced  
2 them to this screen so that way the Court can take note of  
3 them.

4 THE COURT: Can you show me what you contend is the  
5 shove in assault 1 in addition to the kick?

6 MR. JONES: Yes, Your Honor. Do you want to -- here,  
7 I'm going to break out of PowerPoint because I think PowerPoint  
8 is giving me issues. I'm just going to go directly to the  
9 source.

10 So the shove is going to be best shown in 402.b.

11 So this is right before the shove. All right. What  
12 you are going to see is Officer Collins is trying to get up,  
13 and Mr. Mock shoves him back to the ground.

14 (The videotape was played.)

15 MR. JONES: I can show that from another video angle.

16 So Mr. Mock is right here (indicating). He's about to  
17 shove him to the ground.

18 (The videotape was played.)

19 MR. JONES: There's the shove. Here's the slow-motion  
20 kick.

21 THE COURT: That exhibit, again, that we just saw that  
22 in, was that 509.a or not?

23 MR. JONES: This is 509.b, Your Honor. 509.a is a  
24 zoomed-in of the slow-motion kick. 509.b is more inclusive.

25 THE COURT: Okay. Thanks.

1 MR. JONES: Just because the defense has made a big  
2 issue of this video, I also want to address their exhibit,  
3 which is this video.

4 I have slowed it down considerably, and it's very  
5 quick. But what this video shows is the defendant's leg coming  
6 backward just after the kick, and it does not show the kick.

7 So from this video angle, and I will show a screenshot  
8 to better help the Court, this is the first instance where you  
9 see the defendant in this video. And as we keep going, you  
10 will see that his leg is coming backward. This is just after  
11 the kick. So it's not particularly helpful.

12 THE COURT: Okay.

13 MR. JONES: This is a screenshot of that moment where  
14 I turned it so that way it's a little bit easier to understand.

15 Okay. So then from there, the defendant goes from  
16 assault 1 to the south side of the west plaza where he commits  
17 assaults 2 and 3 in quick succession. I believe they are 20  
18 seconds apart.

19 The second assault happens at 2:33, and you see this  
20 from the security camera from up above and 103.b.

21 (The videotape was played.)

22 MR. JONES: This assault is also captured from  
23 multiple camera angles. I have those here. I am happy to go  
24 into any of them if the Court prefers.

25 THE COURT: That's okay.

1 MR. JONES: For the third assault, this is the one  
2 where Mr. Mock shoves an officer in the back, also at 2:33 p.m.  
3 The screenshot on the screen is taken from Government's  
4 Exhibit 511.5.

5 (The videotape was played.)

6 THE COURT: Can you show that one one more time?

7 MR. JONES: Yes, Your Honor.

8 Would you like to see it again, Your Honor?

9 THE COURT: Are there any other vantage points of  
10 that?

11 MR. JONES: There are two other vantage points. I  
12 think one is not particularly helpful, but the other one is the  
13 security camera video, which is 103.c.

14 THE COURT: Okay. Can you circle him.

15 MR. JONES: (Indicating.)

16 THE COURT: Okay. Got it.

17 (The videotape was played.)

18 MR. JONES: If the Court would like me to play it  
19 again, I'll be happy to.

20 THE COURT: Yes, also noting where you contend the  
21 shove occurred.

22 MR. JONES: So at this point, the officer is a little  
23 bit away from Mock. He's backing into him.

24 THE COURT: Yes.

25 MR. JONES: And then there's the shove. It's kind of



1 hard to make out in this video, but the other video shows the  
2 full arm extension pretty clearly, Your Honor.

3 The other video that the government has for assault 3  
4 is 513, but that angle is from the side and shows right before  
5 the shove occurs. So it just shows the officer in front of  
6 Mr. Mock. It doesn't actually show the full arm extension.

7 THE COURT: Okay.

8 MR. JONES: Assault No. 4 happens at 2:34 p.m. Again,  
9 at this point Mr. Mock has advanced forward toward the escape  
10 door right here (indicating) where the officers are fleeing.  
11 And there is a step right here that Officer Karlsen was trying  
12 to navigate when he was shoved by the defendant.

13 And again, this is full-on extension, him leaning over  
14 top of Officer Karlsen. This is not him keeping his weight  
15 back. His weight is fully coming forward, Your Honor.

16 THE COURT: I don't think I need to see that again. I  
17 mean I don't need to see other angles of that one.

18 MR. JONES: So you said you don't need to see other  
19 angles of assault 4. So if the Court would like, here again  
20 are exhibits the government has for assault 4.

21 And then for the theft that occurred shortly after  
22 assault 4.

23 (The videotape was played.)

24 MR. JONES: He picks up both riot shields and passes  
25 them back. We also have that from another angle if the Court

1 prefers.

2 THE COURT: No.

3 MR. JONES: I will skip that. Again, these are the  
4 exhibits that the government has for this count, which is the  
5 Section 641 count, Count 7.

6 And after he committed these acts, he bragged about  
7 it. When he was texting with Mr. Finnigan, the government  
8 noticed that the time stamps were incorrect, so we corrected  
9 them. But the --

10 MR. MOCK: Wait a minute, what? Object to that.

11 THE COURT: All right.

12 MR. MOCK: They changed the time stamps just now?

13 THE COURT: All right. So you are saying that the  
14 last comment, the sweet comment which appeared to have occurred  
15 hours after the previous text is now directly responsive to --

16 MR. JONES: Yes, Your Honor. So in Exhibit -- in  
17 Government's Exhibit 901 or 902, you can see that this is at  
18 8:55 p.m. UTC on January 6.

19 THE COURT: Remind me. UTC time is how --

20 MR. JONES: It's five hours in the future from Eastern  
21 Time.

22 THE COURT: Right.

23 MR. JONES: So this would be at 3:55 p.m.

24 THE COURT: Right.

25 MR. JONES: And this is the actual phone dump. There

1 was just an error made in turning it into a PowerPoint. We  
2 apologize, Your Honor.

3 THE COURT: Okay.

4 MR. JONES: But he recounts what he did. He took down  
5 at least six cops, three gates, two shields, a bunch of  
6 equipment. And when he learns that the rioters dragged a cop,  
7 he responds, Sweet.

8 When he's texting with his son AJ, he also brags about  
9 it. He's telling his son that he, quote, Did some damage. And  
10 then later he says, They started the violence and now they  
11 understand the measure of our resolve.

12 And that quote echoes -- that quote echoes what he  
13 says on Facebook in Government's Exhibit 805, the January 3  
14 Facebook post where he ends, No more talk, D.C. 1/6/21 where he  
15 says, Sic semper tyrannis. This is our rallying cry and the  
16 measure of our resolve, same language that he's using in a  
17 private conversation with his son where he's clearly not  
18 trolling.

19 So we know what he did on January 6. And because of  
20 all of his text messages and social media conversations, we  
21 know why he did it as well.

22 This is turning from the specific discrete acts to the  
23 1512 contempt evidence, Your Honor. I am happy to skip  
24 portions of this if the Court doesn't find it helpful.

25 THE COURT: You can go through the -- if you are

1 planning is to go through the elements -- what are you planning  
2 to go through?

3 MR. JONES: I was planning on going through the  
4 chronology of the defendant's statements.

5 THE COURT: You can do that quickly because I have --  
6 I took detailed notes of the relevant ones.

7 MR. JONES: Okay. Well, then I will just try to  
8 quickly go through it.

9 THE COURT: Just hit the highlights.

10 MR. JONES: Sorry, Your Honor?

11 THE COURT: Just hit the highlights as opposed to --

12 MR. JONES: Yes, Your Honor.

13 THE COURT: Thanks.

14 MR. JONES: So again, on December 16, he's commenting,  
15 There aren't enough men who will actually stand up and do what  
16 needs to be done, echoing his thought about the people who are  
17 all talk, no action.

18 He's planning about -- he's discussing going to  
19 January 6 as early as December 20, 2020. In another comment he  
20 talks about how it's their duty to throw off such government.

21 Later on December 23, he talks about how the charge  
22 should be backed by millions of armed citizens demanding the  
23 removal of every socialist politician. And the next day he  
24 comments, We need real patriots to actually fight back.

25 On December 29, he has a comment that ends, The

1 solution is also glaringly obvious for those who have the  
2 courage to act, 3 percent, reference to the myth that 3 percent  
3 of farmers are the ones who led the American Revolution.

4 On December 29, he has a comment where he says that  
5 they should call on the patriots in this state to remove them,  
6 referring to the tyrants, that the free men fight back and  
7 remove the tyrant.

8 This isn't as relevant because he's admitted that he  
9 knew the certification was happening.

10 On December 31, this shows his awareness that it's  
11 going to be violent when his best friend is telling him he  
12 shouldn't take Ms. Visnovec to the rally because it's going to  
13 be violent and she might die.

14 On January 1, this goes back to his cross where he's  
15 using this sic semper tyrannis language, and then his testimony  
16 that Nancy is referring to Nancy Sinatra when he says, Well,  
17 Nancy, that ain't the worst thing that's going to happen to you  
18 this week.

19 Later he's texting with Mr. Finnigan confirming the  
20 mentality he had in the days before January 6 when he's  
21 thinking he's potentially going to die. He tells his best  
22 friend, if I don't come back, just make sure AJ does the right  
23 thing with all my stuff.

24 And this later is compounded from AJ Mock's testimony  
25 that that Sunday night, his dad pulled him aside and told him

1 that he may not come back from January 6 and that AJ was in a  
2 state of shock after that and that his dad might not come back  
3 from this rally.

4 Again, the sic semper tyrannis language, thus always  
5 to tyrants, in the days leading up to January 6.

6 On January 3, this is probably the most compelling  
7 exhibit, and this is the one I was referring to earlier,  
8 Government's Exhibit 810, where he discusses a -- the situation  
9 involves nothing short of total rebellion and a complete  
10 destruction of the federal government and a new set of laws.  
11 And then he later says, Surround yourselves with those patriots  
12 who would lay down their lives for this country. Prepare for  
13 what is coming and be willing to act or get out of the way.  
14 Sic semper tyrannis. This is our rallying cry and the measure  
15 of our resolve. No more talk. D.C., January 6, 2021. This is  
16 three days before January 6.

17 Again, same day, sic semper tyrannis multiple times.

18 Again, January 3, Fight back, support those who do,  
19 get the hell out of the way, or prepare to defend yourself.  
20 There has been a storm brewing, and it will sweep through this  
21 country very soon. Sic semper tyrannis.

22 And then on January 3, that Sunday night, Mr. Mock had  
23 a private conversation with his son AJ. The individual that  
24 Mr. Mock has put up as the arbiter of whether he's trolling or  
25 not trolling, his son did not think he was trolling that night

1 and said that he was in a state of shock when he told him that  
2 he didn't think he was going to be coming back from January 6.

3 On January 6, we have other conduct. So this is that  
4 morning at the Stop the Steal Rally. I will go through that.

5 This is the video when he's near Peace Circle at  
6 1:30 p.m. I am going to skip through a lot of these videos to  
7 not waste the Court's time, but if the Court wants me to play  
8 any of them, I will.

9 At 2:03 p.m., he has a recording by the police line.

10 At 2:18 p.m. is when the woman grabs the bike rack and  
11 he's nearby and sees this happen. He gets angry. He records a  
12 selfie video describing the police as thugs.

13 He sees a post hit an officer in the head, and then he  
14 collapses. He's also summoning the mob to advance toward the  
15 police line for someone who is alleging that there was a  
16 sandwich effect and that he could not return backward. It's  
17 odd behavior to ask people to continue to sandwich him against  
18 the fence.

19 Also sometime before the police line broke --

20 (The videotape was played.)

21 MR. JONES: That's a copy and paste error. Between  
22 2:28 and 2:35, one bike rack, four assaults, and two shields.  
23 We reviewed that in the beginning, but I am happy to review any  
24 of that again if the Court prefers.

25 Immediately after the stealing of the riot shields, he

1 continues to pursue officers as they go through that little  
2 doorway.

3 At 2:37, he's continuing to follow the officers as  
4 they go up that doorway, and he's only turned away when he's  
5 tear-gassed and starts coughing.

6 After this point, his then girlfriend, Ms. Visnovec,  
7 records a selfie video where she talks about the bike racks,  
8 and Mr. Mock admits that he made a phone call with his son  
9 where he told them that he was in the middle of a riot. His  
10 description of where he was and what he was doing, we think, is  
11 important because it shows that in his mind, he's not referring  
12 to this as a protest. He knows that this is a riot. And he's  
13 talking and bragging to his son about it.

14 Sometime after 2:37, it's unclear what time exactly  
15 this is, he's waiting outside this locked door as other rioters  
16 try to pry it open. He's in the crowd where they are chanting,  
17 We stopped the vote.

18 The earliest we have Mr. Mock on the lower west  
19 terrace is 4:36 p.m. Because he's not at the very mouth of the  
20 tunnel, it's hard to pick him up on CCTV. So the way that the  
21 government did this is by comparing this video to CCTV and  
22 seeing events that are happening in the background. And by  
23 comparing CCTV to this video, we were able to determine that  
24 this moment is approximately 4:36. If the Court wants, I can  
25 go more in depth with that, but this shows that he has the



1 goggles on at this point, he doesn't have a backpack, and he's  
2 holding a baton.

3           And the government argues that this is important  
4 because it goes to his mind-set at the time, that he's  
5 preparing in a way that he wasn't before. He, you know, gets  
6 rid of the thing weighing him down. He picks up a weapon. He  
7 puts on goggles. And he's staring at the tunnel for a long  
8 time, until approximately 5:06 p.m. when police start  
9 tear-gassing the lower west terrace and reclaiming the area.

10           And immediately following those events, he gets to go  
11 on Facebook, and he starts commenting again sic semper tyrannis  
12 multiple times.

13           And again, we have him on January 8 where he's  
14 discussing how he'd lay down his life for this country, but he  
15 really has his doubts. He was glad to see people there but not  
16 a lot of real fighters.

17           This gets to the defendant's argument that he just  
18 wanted to stand there and be seen. If this was truly his  
19 mind-set, he would have been very happy to see all the people  
20 there, and it wouldn't have mattered whether they were, quote,  
21 real fighters. That wasn't all the defendant wanted to do. He  
22 was there for a fight, and he was disappointed to see other  
23 rioters not fighting as much.

24           I went to the Capitol not knowing what to expect but  
25 said good-bye to my four children not sure if I was going to

1 come home, again corroborating his son's story about what  
2 happened that night before January 6.

3 I was at peace with that knowledge. I held my own and  
4 then some. Again bragging about his conduct on January 6.

5 I can go into the elements of the offenses. I'm sure  
6 the Court is well aware of the elements at this point. I am  
7 happy to address any specific factual concerns the Court has.  
8 But if the Court doesn't, I'm happy to cede the rest of my time  
9 to my co-counsel.

10 THE COURT: All right. Thank you very much.

11 MR. JONES: Thank you, Your Honor.

12 THE COURT: Mr. Mock.

13 MR. MOCK: Well, this has been a long time coming. I  
14 didn't think I would be standing up here in this situation.

15 Over two years I have been dealing with this, and I  
16 have heard all kinds of things said about me. Very few of them  
17 have been true.

18 I have admitted to literally everything that I did on  
19 January 6 from the moment that I decided going there to all of  
20 the events and everything that occurred.

21 I heard a lot of things, a whole lot of speculation  
22 out of the government. I haven't really heard them talk about  
23 the law. And, you know, it sounds as if the government is  
24 arguing that the evidence is not completely incompatible with  
25 guilt. It's not totally impossible the government thinks that

1 I might be guilty. But, of course, that's why we are not here.

2 We are not here to imagine if it's remotely possible  
3 that an accused person might be guilty. That's not how our  
4 legal system works.

5 A lot of these defense attorneys about January 6 have  
6 described things that seem different somehow in these cases. I  
7 have talked to a lot of these lawyers. The law presumes the  
8 defendant to be innocent of a crime, thus the defendant,  
9 although accused, begins the trial with a clean slate, with no  
10 evidence against him or her.

11 That hasn't occurred in these cases. There's this  
12 presumption that everyone who showed up must be guilty. We  
13 must be of the same mind-set. And I keep hearing all these  
14 messages, and the Court has seen these messages taken out of  
15 context. When I start to put them into context, they take on a  
16 whole different meaning.

17 And did I spout some rhetoric to some people to try to  
18 get some folks to show up? Yeah, absolutely. But there's been  
19 no correlation made whatsoever between any of the alleged  
20 assaults and this 1512 charge that I tried to obstruct  
21 Congress.

22 There has been no -- as far as I can tell, they have  
23 put no legal precedent down to state that I could be even  
24 guilty of a 1512 charge.

25 I have been going through and looking at these how the

1 1512 was applied, and I am trying to figure out how any of my  
2 conduct could in any way have stopped proceedings when I never  
3 went in the building, had every opportunity to go into the  
4 building, and never did so.

5 This fails the sniff test really. They tried to make  
6 some idea about this 1512 that there's a delay and resumption.  
7 But they never correlate how me being outside of the building  
8 at 5:00 when I left somehow delayed this resumption.

9 They said they had to clear rooms inside. But had my  
10 car broken down on the way here and I never showed up, they  
11 have never shown how things would be different inside that  
12 building and through the whole proceedings.

13 They threw this on at the end of the day. This was,  
14 as far as I am concerned, this was a vindictive prosecution.

15 I had two alleged assault charges when we went into  
16 this. One ended up being Officer Collins, who we saw on the  
17 stand. The other was Karlsen. For two years they had these  
18 videos that they used to show the second and third alleged  
19 assaults.

20 And they threw these on when I rejected their plea  
21 deal. They threw on the 1512 when I rejected their plea deal.  
22 I find it hard to believe that for two years they didn't bring  
23 charges of obstructing these proceedings, but all of a sudden,  
24 they brought them when I rejected their plea deal.

25 Now, they have failed to cover some basic tenets of

1 the law as I have read them. I don't pretend to have any  
2 expert knowledge on this, but I can read and I can look at what  
3 they are supposed to bring. And first and foremost, according  
4 to the Sixth Amendment, if you have a -- this isn't a  
5 victimless crime. You have a victim. I have a right to face  
6 my accuser. In two of these charges, they have not brought  
7 anybody forward. This is a fundamental right and a failure on  
8 the part of the government to actually fulfill the law.

9           They need to show that there was somebody, that I was  
10 actively there that I was assaulting, because otherwise we have  
11 a lot of conjecture. And they might want it to be that, but  
12 until they bring someone forward as a victim, they don't have a  
13 crime.

14           THE COURT: All right. Well, that's actually not  
15 true. They don't -- the government never needs to call a  
16 victim to prove an assaultive case. As long as they have  
17 testimony and evidence, they don't need to call a victim, just  
18 like you obviously don't call a victim in a homicide case,  
19 right?

20           MR. MOCK: Sure, but you do have a medical examiner  
21 come in and speak on behalf of that person.

22           THE COURT: You can have other witnesses. You don't  
23 need to have victims.

24           MR. MOCK: Okay. Even in lieu of that, they have  
25 failed to say, hey, you threw this flagpole.

1           Count 2, there is one instance where I'm getting hit  
2 in the head with the flagpole. I reach up and grab it. It  
3 breaks off in my hand. It clearly, as we have already  
4 determined, is not a deadly or dangerous weapon. I threw it  
5 out of my hand immediately. In that video, there is an officer  
6 standing right in front of me. If I wanted to hurt someone  
7 with it, I could have whacked him with it. There is no officer  
8 that was named even as a potential victim. This whole lineup,  
9 they presented nobody and said we think he's throwing this at  
10 this guy.

11           The only thing they brought forward to say that this  
12 was an assault was because it was a deadly and dangerous  
13 weapon. When that went out the window, they had nothing else  
14 to fall back on except I threw some object somewhere in the  
15 vicinity of officers.

16           If that qualifies as an assault, that opens up the  
17 door to a whole lot of potential assaults down the road. If  
18 anything is thrown anywhere where there might be an officer, is  
19 that person a victim?

20           If I throw a pen in here right now, well, there's a  
21 federal judge in here, there's a marshal in here, without the  
22 context of talking to someone and you bring in the video, do  
23 you go, well, it was somewhere, it could have been one of them?

24           But they don't specifically name anyone. This fails  
25 to hit any of the basic tenets of an assault. They don't bring

1 that up.

2 For the third alleged assault, they don't mention the  
3 fact that you can see me falling down in the video. Someone  
4 pushed up against me. This is one big melee that was going on.  
5 I am getting pushed, I'm falling down, someone is backing into  
6 me, and I push them out of the way. If that's an assault, so  
7 be it, but I was in the act of falling. If I had fallen at  
8 that point, I would probably get trampled.

9 They are trying to get into my mind in all of these  
10 things. There was nothing in me that's going I wanted to hurt  
11 anyone. I'm trying not to get hurt myself. And I have a right  
12 to be in my spot and not get knocked over. This wasn't  
13 malicious. I didn't go after anyone.

14 As far as the first alleged assault goes, there is so  
15 much wrong with this charge. First off, Officer Collins, the  
16 government knew about Officer Collins back on January 29 of  
17 2021. They did an interview with him. They showed him my  
18 picture. Back then they claim that there was no victim. They  
19 went for over two years.

20 March 13 Ms. Alvarez did an interview with Officer  
21 Collins. I have a 302 report of that, which he discusses this  
22 and says that he can't identify me. He doesn't know if he was  
23 ever assaulted in any way.

24 And then two days later, they get the second  
25 superseding indictment and don't name Officer Collins. They

1 never named him as an alleged victim until literally he got on  
2 the stand. The 11th hour they handed us over a few of these  
3 302 reports. He gets on the stand, says he doesn't know if he  
4 was ever assaulted, couldn't pick me out of a two-man lineup  
5 when there were two people there when they said of these two  
6 people which one did this --

7 THE COURT: He doesn't need to identify you. If you  
8 pushed someone from behind who never sees you, that doesn't  
9 mean --

10 MR. MOCK: Well, this is the first alleged assault  
11 that they are saying that I potentially kicked him. They asked  
12 who did that, and he circled somebody else.

13 THE COURT: The question is if the video shows you  
14 kicking him, then you are guilty. Now, you can argue the video  
15 doesn't show that. But the fact that he doesn't identify you  
16 doesn't really go anywhere.

17 MR. MOCK: Well, that aside, yes, the video -- there's  
18 a lot of video they have shown that they claim shows that I  
19 kicked this officer. But it's taken from a very tall -- the  
20 one that they say is their best video is taken from many yards  
21 a way, about 50 yards away, up in the air looking down. It  
22 doesn't give you context. None of these videos give you -- you  
23 have to take them as a whole to get that context.

24 The first body-worn camera footage that they used that  
25 shows my foot up off the ground also shows me getting knocked



1 back and stumbling. My foot goes up. I don't deny that. What  
2 it doesn't show is the depth. It looks like I'm very close to  
3 him, and so does the one from up at a different angle. But  
4 when you pop and take a look at that one from another angle,  
5 you realize how far back I am.

6 You also start to see the gentleman who's got his  
7 hands on him and is pushing. At that point where it pans over  
8 and my hand is sitting there, that's when they say I kicked  
9 him. And I have looked at it. My leg is not long enough to  
10 have made contact with him at that exact point.

11 All they are showing is a video from up top. They go,  
12 well, this may or may not have happened. May or may not have  
13 happened doesn't live up to the letter of law. Their victim  
14 says, I can't tell you if he kicked me.

15 The alleged push, you see me reaching down, get pushed  
16 from behind. The gentleman who actually did kick Officer  
17 Collins, which isn't even in question, was pushing me down at  
18 the time. And when they say that there was this assault, he  
19 was trying to get up and struggled and slipped. My hands are  
20 coming in a downward motion. When they are coming down, I miss  
21 him. They come straight down, and I back away.

22 This -- I have said repeatedly I was trying to pick  
23 people off the ground. A few seconds later, I go and pick  
24 somebody else up off the ground.

25 The whole day doesn't jibe because the whole time up

1 to that I'm sitting and I'm pointing and I'm trying to get  
2 these officers to leave. The entire time, through all of this  
3 day, I am pointing to that door. Actually, it's a five- to  
4 seven-minute period that I am pointing to this door for these  
5 officers to leave. The whole time I am trying to keep a  
6 distance there.

7 The first alleged assault just does not hit the letter  
8 of the law. I have read through it.

9 They won't argue the letter of the law. They will  
10 just say, oh, this definitely happened. Well, nobody said  
11 that. The videos don't show that I ever made contact. There's  
12 no definitive I made contact with him in a single video or  
13 single still frame. That first alleged assault should not  
14 stand.

15 The second alleged assault should not stand.

16 The third alleged assault should not stand.

17 The fourth one is the only one I legitimately have in  
18 question, and I tried everything I could to get this case  
19 disposed of in a manner that worked for everyone. And I have  
20 never denied that I touched the shield. And --

21 THE COURT: It's a rather minimal characterization,  
22 isn't it?

23 MR. MOCK: That's fair. But here's the bottom line.  
24 Officer Karlsen was standing on that shield, and it was wet.  
25 His foot clearly slips. To the extent at which that push, that

1 contact with the shield pushed him to the ground, if he had not  
2 been standing on that shield or it hasn't been wet in that one  
3 particular spot, we wouldn't be here right now. And you know  
4 what? I'm sorry that it happened. Believe me, I'm sorry that  
5 it happened.

6           There was a moment there where I heard somebody say  
7 I'll shoot. At that moment, through all of that chaos, I see  
8 an officer in front of me where I had just seen people getting  
9 smashed in the face with shields, where we had just had all of  
10 this craziness going on.

11           It's easy to sit here right now and pick apart every  
12 instance and go you were thinking this, you were thinking this,  
13 you were thinking this. This was a situation like I have never  
14 been in, and few people have. You are not prepared for this.

15           Officers didn't respond correctly, and they have been  
16 trained.

17           I still don't know what the correct response is in  
18 this situation. I hope I'm never stuck in any situation like  
19 that again. But what do you do in that instance?

20           I'm seeing people -- I'm seeing women getting beat.  
21 I'm seeing explosions. I'm seeing blood from people who were  
22 there trying to protest and trying to have our voices heard.

23           This wasn't this intent. And there were some people  
24 there who were bad actors, absolutely. There were people of  
25 some groups that absolutely should be found guilty. Anybody

1 that walked in that building is an idiot. They should have  
2 known they had no right to be in that building.

3 I had every opportunity to do that. And the idea that  
4 I was there to stop this when I had that opportunity to go in  
5 the building, when I had an opportunity to go up into that  
6 tunnel and go fight with police, I didn't because I wasn't  
7 there for that.

8 I was there because I believed and still do that if  
9 you've got the President of the United States and his lawyers  
10 saying there's evidence of fraud, that should be seen. And I  
11 might be wrong, and there might not be any. There might not  
12 be.

13 THE COURT: No court has ever found any.

14 MR. MOCK: At this point. And if there isn't, if  
15 there isn't, that's fine. But at the time, it was being shut  
16 down without actually seeing that evidence.

17 And they were -- and if there's claims that it's  
18 there, I simply thought that we, as the American people, should  
19 see it. And that's why I'm there.

20 I'm there for a legal purpose. I wasn't there to  
21 overthrow the government. I think the government should be  
22 restructured, absolutely. I think there's a lot of corruption.  
23 I think that the federal government is too big. But you know  
24 what, that's the same argument that we had at the founding of  
25 this country. This isn't a new argument. I'm allowed to think

1 that the federal government is too big.

2 THE COURT: Absolutely.

3 MR. MOCK: So that's where I'm at. I'm not some  
4 lunatic frothing at the mouth, you know, Trump or die. I don't  
5 even like the guy. I got in a bad situation for about five  
6 minutes of my life in that day.

7 That first alleged assault -- 1, 2, and 3, just are  
8 garbage. They just are garbage. The one that I will say holds  
9 some water and fully admit to it, I touched that shield. I  
10 came in contact with it. Maybe I shouldn't have, and I get  
11 that. It was a split-second reaction to something that I  
12 thought was going to cause me to have -- and I don't even know  
13 that there was that much of a thought process in it. It was  
14 boom, boom. How much can happen in a split second in your  
15 brain to just go let's process information, and you go oh, my  
16 God.

17 I was helping lead officers out to that point. We  
18 have seen it. I'm helping them to the door. I'm patting them  
19 on the back. This doesn't coincide with the narrative that is  
20 here.

21 So that's where I'm at with this. The idea that I was  
22 there for this civil disorder to stop the entire process is  
23 absurd. I wanted the process to go on. I wanted the legal  
24 process to take place because for me, us stopping that, if  
25 that's what we did, was stupid. That doesn't help the process

1 along. That hurts it.

2 So I absolutely go, you guys that went up here and  
3 jumped in this building, that was stupid. You shouldn't have  
4 done it. And I have said that consistently from day one. The  
5 problem is that what I was seeing where I was wasn't with those  
6 people. Those people had broken off, and they had gone up into  
7 the Capitol. That was going on while where I was, police are  
8 still throwing flash-bangs and tear gas into a crowd who isn't  
9 part of those people who are moving forward.

10 So again, we don't know what was happening in the  
11 Capitol up there. There's no cell phones on. There's nobody  
12 updating us. We were not part of the same group. We are at a  
13 protest. There are hundreds of thousands, if not a million,  
14 people there. This is -- it was a huge number. Regardless,  
15 this was a massive crowd. This was a massive crowd. We  
16 weren't there together. I didn't know anybody else there. I  
17 knew the girl that I went there with and my friend. That was  
18 it.

19 And we had no coordination on this. There was nothing  
20 in any of these text messages, any of the Facebook posts, any  
21 of this that shows that I was there to cause violence, period.

22 If I said some stupid things, if I said things that  
23 were grandiose, okay. But none of it was framed around go stop  
24 this process, go jump in here and cause violence.

25 If anything, when we look at these, it's quite the

1 opposite. I have talked a number of times about not dividing  
2 our country. I have talked about not wanting any kind of civil  
3 war. I have talked about not, you know, partaking in watching  
4 our cities burn down. This happened literally in my  
5 neighborhood. So I watched this happen. I didn't want more  
6 violence. When I had opportunities to do it, I didn't.

7           This idea -- and I just want to hit a couple counts.  
8 The idea that I stole these -- the shields, this doesn't match  
9 the law that this was charged under with stealing. They were  
10 on the ground. I moved these out of the way so people wouldn't  
11 use them as a weapon, plain and simple.

12           I looked through this. There has not been one  
13 reported shield that was missing. Every single one of them  
14 were recovered. They remained on the Capitol grounds that  
15 entire day. Clearly, there was no time for me to talk to  
16 anybody, to instruct anybody to use them in any way. I wasn't  
17 trying to deprive the government of any property and knowingly  
18 embezzling anything.

19           I saw --

20           THE COURT: But aren't you knowingly depriving -- I'm  
21 not saying that you were -- the government's not saying that  
22 you were taking them for your personal use. You get rid of  
23 them immediately.

24           But aren't you depriving -- trying to deprive the  
25 government of them so, in your own words, the government can't

1 use them as weapons?

2 MR. MOCK: No. They were left behind. I didn't want  
3 anybody using them as a weapon. I thought anybody could have  
4 there. People -- there were people in the crowd that would  
5 have for sure used that as a weapon.

6 THE COURT: All right. But you passed them to the  
7 crowd.

8 MR. MOCK: I was trying to get them out of the front.  
9 My whole mind-set at that point was those doors, when we  
10 first -- this was happening, I thought they go in the doors and  
11 they leave and they are gone, this is all done. That was --  
12 foolishly, my mind-set was everybody is going to think like me.  
13 When they leave, we're cool. No, that wasn't the case.

14 Again, this is a split-second reaction there to go,  
15 okay, get these out of here. Get these guys gone. Everything  
16 calms down. People are going to chill. We sit here. We  
17 protest. We have our voices heard. The process goes on.  
18 Yeah, some things happened out here, but at that moment, like,  
19 to me, that day was done right when they leave. And it kept  
20 going from that point.

21 I sat down there for a good part of an hour on that  
22 lower section until Misty wanted to move up to the upper level.  
23 I followed her up there towards that tunnel, and we watched.  
24 We sat back and basically spectated through the entire thing.  
25 Again, I had every opportunity to go do some crazy stuff. I



1 didn't because that wasn't why I was there.

2           And in the heat of the moment with stuff, if I did  
3 stupid things, I will stand here as a father and say, you know,  
4 I'm guilty of doing stupid things. If what you saw and you  
5 tell me that that's a federal crime that I assaulted these  
6 people, then I will take that responsibility.

7           I know what was in my head at that time. I have heard  
8 everybody tell me what was in my head at that time. In my head  
9 at that time was these guys have to go because people are going  
10 to get killed. And I said that to those officers. You don't  
11 realize how many people are here. Get out of here. People are  
12 going to die.

13           And I watched officers that were -- this was way  
14 beyond the way they should act to a crowd. This was beyond  
15 antagonistic. And we couldn't understand it because this is a  
16 group of people who had historically backed police, law and  
17 order. And all of a sudden, these people are turning on us,  
18 and we didn't understand it at the time.

19           And I just want to touch on this. What happened that  
20 day was this giant picture. There were things happening all  
21 over the Capitol, all over D.C. My view of this was yay big,  
22 this tiny little view of the whole thing. And now we come back  
23 and go okay, this is what you saw, this is what you  
24 participated in. But you should have known all this was going  
25 on.

1           And somehow, in that exact moment, as things were  
2 quite literally blowing up around me, I should have had the  
3 foresight to go, wait a minute, what if other people are doing  
4 something here that might cause someone to come back and go  
5 what are you doing.

6           No. At that exact moment, I'm thinking we need to  
7 stop this, and then everything can reset. And that's where I  
8 was, to get this to a reset position. Everything after this  
9 has been under this -- has been framed as he's definitely  
10 guilty. He's a dirty Trumpster. He was there to overthrow the  
11 government, period. And we barely have to even prove this.  
12 Everybody knows it. Here, he was there, he did this, that must  
13 be it, this must be his mind-set.

14           No. I do not fit in. I was locked up with some of  
15 the worst of the worst, and I thank the Court for letting me  
16 out because I don't think I should have ever been locked up in  
17 the first place. I think that was an error that was corrected.  
18 But I was around those people that others hated.

19           And for me, I don't think I truly believed those guys  
20 existed. I thought it was all blown out of proportion.  
21 Because I knew me. I knew my friends. I knew the people that  
22 they were talking about going you are the worst of the worst,  
23 look at all these scumbags. These guys on the right, how could  
24 you think like this. And I'm going that's not me.

25           And again, the error in thinking is that everybody

1 thinks and acts kind of like you do. And when I see the flawed  
2 error there, I'm going these people -- nobody else really  
3 thinks like this. Well, I got in with the worst of the worst.  
4 I got in with some actual extremists, and I saw them and went  
5 oh, these people, they should be locked up. They do have some  
6 flawed thinking.

7           And maybe I do too to some extent. I think we all do  
8 to some extent. We all believe what we are going to believe,  
9 and we want to believe that that is right, however we came to  
10 that conclusion.

11           I have studied history. I have now studied the law.  
12 My beliefs change on a regular basis. And they are not this  
13 extremist line. I'm all over the place left and right and tend  
14 to be somewhere in the middle.

15           I don't think the majority of the people there --  
16 actually, I know. I have met a ton of them. These aren't bad,  
17 extremist people. These were everyday people that, again,  
18 walked into the situation where a few bad actors popped off.

19           And bottom line is the police didn't act properly.  
20 This wasn't a situation where -- and I am not saying the police  
21 were totally responsible for this. I have never said that.  
22 But the way that they responded, some of them responded to  
23 this, popped this whole thing off to where it was an us versus  
24 them mentality.

25           But even throughout that, you saw in my videos how

1 much people were trying to keep a distance, talking to the  
2 officers. This wasn't this constant onslaught that CNN and MSN  
3 have tried to make you believe or the government has tried to  
4 make you believe. That isn't what was happening.

5           There was a group of people there trying to protest.  
6 Things got out of hand. And then it was this heavy-handed  
7 response. As Inspector Loyd said, everyone should be treated  
8 the same because they shouldn't have been there, and this is  
9 how it goes down.

10           Well, no, that's not how it should have gone down. We  
11 expect more out of our police. We expect our police to be able  
12 to differentiate between the instigators, the bad actors, to  
13 address those accordingly, not to escalate the situation, not  
14 to go after women, not to indiscriminately throw flash-bangs  
15 into the crowd, not to create the situation. It should have  
16 been handled a million times better.

17           And I'm sorry and embarrassed for a lot of the things  
18 that went down that day. And I'm sorry that I was a part -- I  
19 can't even say I'm sorry for being a part of it because the  
20 things that led me to be there weren't bad things. I'm sorry  
21 for what happened. And I'm sorry it didn't go the way that I  
22 would have envisioned it going that day. Because I assure you  
23 not a single person there would have been subjected to any  
24 violence if it would have gone the way that I wanted it to go.

25           The fact is that I was caught in a bad spot, maybe the

1 worst -- one of the worst spots at least of that day, and I  
2 tried to do my best in that situation. I tried to keep my  
3 distance. I also tried to go, you police aren't acting right.  
4 You need to go.

5 And I don't think that can be overstated, that we  
6 screwed up. A bunch of our people screwed up, but a bunch of  
7 those police officers did too. And the truth, like everything,  
8 is usually somewhere in the middle. But nobody wants to talk  
9 about that middle.

10 And I feel like I'm the only one half the time going  
11 hey, look, there isn't an all right or an all wrong. And if  
12 you frame it in any other way, it's just talk because most  
13 people in most situations aren't all right or all wrong. It's  
14 very rare, as you know on a daily basis. It's somewhere in the  
15 middle.

16 And I fully will accept anything -- if the Court looks  
17 at this and goes this was a crime, fine. But I wanted my day  
18 in court to come up here -- sorry.

19 After over two years of being ripped away from my  
20 family, having my livelihood, my house, my friends, my family  
21 ripped away from me, I was literally called by the former chief  
22 judge one of the worst of the worst single-handedly responsible  
23 for making America a laughing stock. I sat back and I went  
24 this is two alleged pushes at the time, an alleged kick. I'm  
25 like what? I'm one of the worst of the worst? I don't

1 understand.

2           If this was so bad, if this was this massive  
3 insurrection, how, from what we have seen, am I one of the  
4 worst of the worst? Is the whole thing a lie, or did they just  
5 screw up with me?

6           And if they didn't screw up with me, then is the whole  
7 thing a lie? Because this didn't make sense. And I saw this  
8 narrative being pushed of all this, we were attacking the whole  
9 time, and it wasn't true.

10           And so I wanted this opportunity -- one of the reasons  
11 I wouldn't plea out to this is I wouldn't sit there and say  
12 that I kicked someone when I didn't. I wouldn't sit there and  
13 say no, I put hands on this when I was trying to lift somebody  
14 off the ground. That was the sticking point.

15           I said if I pushed someone, if I pushed this shield,  
16 however you need to frame this, fine, I screwed up. And when  
17 they wouldn't budge, they piled on all these other charges.

18           And so we are here with -- took it up to what, nine  
19 felony charges because I told them yeah, I touched a shield,  
20 but I won't admit to this kick that I didn't do, so it all got  
21 piled on.

22           So on the level of fairness, Your Honor, I'm looking  
23 across the board and I go okay, if you are telling me I picked  
24 up those shields, and that's a crime, it's a crime. If I  
25 should have known not to be on those Capitol grounds, I don't

1 think that that's the case, fine, I'm guilty.

2 Touching that shield, if you tell me that that was  
3 such a violent act when he slipped clearly standing on that  
4 shield that he was on, if you think that that was so violent  
5 that that's a federal crime of assault, okay, I'll take it.

6 But I know what was in my head. I know at that moment  
7 what I heard, and I put it in that video. And it's in the  
8 evidence. And it might be hard to hear, but there is, if you  
9 listen to it, Or I'll shoot. And I said this in court when I  
10 had no evidence of that.

11 And I got chewed out by my previous standby counsel.  
12 He accused me, Oh, that's crazy. You can't say that. The  
13 judge is going to laugh you out of the courtroom. You are  
14 going to look like a lunatic.

15 I don't know how to say anything other than the truth.  
16 And I have been honest this entire time. I have not hidden  
17 anything. I didn't object to these Facebook posts that they  
18 wanted to bring even though they took them out of context.

19 And when I showed, hey, this is a slogan, this is what  
20 I was trying to do, build a third party of a belief that I had.  
21 Now that's taken out of context and used against me to go,  
22 look, see, you are exactly what we say you were.

23 I am not that. There's a lot of people who have been  
24 arrested who aren't that. And just because we were there and  
25 some of those people acted like that, we weren't there to

1 obstruct Congress.

2           There's been no correlation and no real reason for  
3 this 1512 to ever have been brought other than vindictive  
4 reason.

5           There's nothing to show had Brian Mock been there or  
6 not been there, that anything would have changed. So I don't  
7 know how the actions of other people could have -- makes it a  
8 crime for me to have been. There's -- literally nothing would  
9 have changed.

10           THE COURT: You can't argue that because that would  
11 mean that no one would be guilty. If you say if you take  
12 everyone else away, then there would have been no -- I couldn't  
13 have personally done this, but then nobody could be guilty,  
14 right? The question is did you and others, together, in  
15 concert, aiding and abetting or assisting others, did you act  
16 that way.

17           MR. MOCK: Which the government has not shown in any  
18 way that I aided or abetted anyone. I didn't tell people to go  
19 in. People were already in the Capitol, and the entire  
20 proceedings were shut down before any of these alleged  
21 assaults. So there's been no correlation.

22           I will wrap this up. There's been no correlation at  
23 all between any of the alleged crimes and the 1512. The  
24 government hasn't proven that at all.

25           And as far as these assaults go, they have not proven



1 beyond a reasonable doubt that these were assaults. The only  
2 thing that they have proven right now is that, yes, what I have  
3 admitted to from day one, I put hands on a shield and an  
4 officer fell down. But there were extenuating circumstances.  
5 It wasn't the sole reason that he fell down. He was standing  
6 on a shield. It was wet. His foot slipped out. It was a bad  
7 situation, bad timing. And I don't think any of the other  
8 alleged assaults hold water.

9 Thank you.

10 THE COURT: Okay. Thank you. All right, let's take a  
11 ten-minute recess, and we will have the government's rebuttal.

12 In the government's rebuttal, I just want to see again  
13 video of the flagpole tossed to see whether and whom it  
14 strikes. Okay? So if you can just show me that.

15 MR. GORDON: Yes, Your Honor.

16 THE COURT: Okay. Ten minutes.

17 (A recess was taken at 4:20 p.m.)

18 MR. JONES: I can run and get Mr. Gordon, Your Honor.

19 THE COURT: Sure.

20 MR. JONES: Both he and the defendant are on their  
21 way.

22 THE COURT: Great. Okay.

23 Welcome back, everybody.

24 Mr. Gordon.

25 MR. GORDON: Thank you, Your Honor. Just give me a

1 moment to get the computer back up.

2 Your Honor, you are seeing the wrong screen. Let's  
3 figure out why.

4 Your Honor, in order to acquit Mr. Mock, you would  
5 have to find him credible. You would have to find him credible  
6 about his motivations for why he drove to D.C. for January 6 in  
7 the first place.

8 You would have to find him credible about what he was  
9 thinking and why he did the things that he did that he can't  
10 possibly escape because they are on video, as you have seen  
11 with Mr. Jones's presentation and I will go through some more  
12 with you now.

13 You would have to find him credible about his  
14 explanations for what was happening around him, and you would  
15 have to find him credible when he explains his sort of thinking  
16 in terms of the 1512.

17 And he is not credible. He's shown that in the way he  
18 answered questions for Mr. Jones, the evasive nature but also  
19 the inconsistent nature. And I intend to go through some of  
20 those.

21 He's not credible because of his motivation to lie.  
22 He's not credible because he's had two years to prepare for  
23 today and two weeks since the government closed its case.

24 And it's notable that he's changed some of his  
25 arguments from what he said or what his counsel said for him in

1 his opening versus what he claims today.

2 Your Honor, you should not believe Mr. Mock. You  
3 should, instead, believe the evidence that has been put before  
4 you.

5 So let's go through each of Mr. Mock's key actions on  
6 January 6, what he claims, and why what he claims is rebutted  
7 by the evidence and his own statements.

8 So first, in terms of removing the bike rack  
9 barricades, something he's on camera doing, he said today in  
10 direct, well, I just put one hand on one barricade for a  
11 moment. But that's not true. That's not what the video shows.  
12 It shows him, not just with the hand on the barricade in the  
13 picture that he highlighted during his direct, but the video  
14 also showed him carrying away that barricade.

15 He bragged about it in his text messages with  
16 Mr. Finnigan. I took three gates. And in the video recorded  
17 by Ms. Visnovec, his girlfriend, on her cell phone -- it looks  
18 like this is not playing. Let's come back out.

19 Mr. Jones and I both are having some issues playing  
20 videos from PowerPoint. Let's try it this way.

21 (The videotape was played.)

22 MR. GORDON: So Mr. Mock today says, oh, it was just  
23 one barricade that I put my hand on for one moment, and yet  
24 that's not what happened, not by the video, not by his own  
25 statements to his best friend, not in the video that his

1 girlfriend records.

2 She says, oh, I pulled the gates away after Brian  
3 removed them. He doesn't say, That's not what happened. It  
4 was just one gate. No. He says, Oh, yeah, I was just  
5 trying -- and she cuts him off to talk about something else.

6 He's not telling the truth today, and that's part  
7 of -- it's not the sole basis for, but it is part of the civil  
8 disorder charge.

9 Now, going to assault 1. He's made three claims about  
10 assault 1. First, I was just off balance. Second, my foot  
11 didn't touch Officer Collins. And third, it was physically  
12 impossible for me to kick Officer Collins.

13 Mr. Jones showed you those videos again in his  
14 closing. And you can see, and Your Honor is welcome to watch  
15 them again back in chambers, what happens is the defendant puts  
16 his hand on the back, on the backpack of the man in front of  
17 him, leans forward, you can't see me, but leans forward, raises  
18 his foot back, kicks forward, and then steps back, because he's  
19 off balance after kicking, then he comes back.

20 It doesn't matter whether he physically contacted  
21 Officer Collins or not. Attempt is built into 111(a). Whether  
22 he touches him or not, it doesn't matter. He's still guilty.

23 Not only that, he doesn't have to have had the intent  
24 to injure. 111(a) has six verbs. Assault is only one of them.  
25 All that matters is the defendant either committed assault or

1 forcibly opposed, interfered with, resisted or impeded a law  
2 enforcement officer.

3 By shoving Officer Collins back to the ground when  
4 Officer Collins was trying to get up, the defendant used even a  
5 modicum of force, and in doing so, he impeded Officer Collins  
6 from standing back up. That's a 111(a) violation, just like  
7 trying to kick him is, whether he made contact or not. The  
8 frame-by-frame video shows that he is guilty of that.

9 Mr. Mock's defense on assault 1, passionate as it was,  
10 reminds me of one of my favorite articles from the Onion, which  
11 I don't know if Your Honor ever read before its untimely  
12 demise, but there's an Onion headline that says, Area Man,  
13 Passionate Defender of What He Imagines the Law to Be. That is  
14 Brian Mock's closing argument today. He imagines the law  
15 requires Officer Collins to have been able to identify him.  
16 And as Your Honor pointed out, if that were the case, we would  
17 never be able to prove a murder, nobody ever. That's not what  
18 the law is.

19 He imagines that it requires his intent to injure. It  
20 doesn't require that because of the other verbs.

21 Defendant leans forward and kicks. Now, as I point  
22 out, no physical contact, he's still guilty; no assault, still  
23 guilty, bringing us to assault No. 2, and I will show you the  
24 video you asked for here. Assault No. 2, applies to Counts 5  
25 and 9 through 11. He makes three defense arguments here.

1           He says, I was just trying to get rid of the flagpole.  
2 It didn't hit anybody. If I wanted to hit someone, I would  
3 have. You probably remember, two and a half weeks ago he told  
4 you he was a third baseman who could hit anybody in the  
5 courtroom with a pen between the eyes if he wanted to, right?  
6 That was his statement.

7           First of all, I was just trying to get rid of the  
8 flagpole. If he just wants to get rid of it, he could drop it  
9 to the ground, right? So it's passing over his head, hits him  
10 in the head, he wants to get rid of it, he could drop it to the  
11 ground. He could throw it into the crowd behind him. He could  
12 throw it to the side. That's not where he throws it. He  
13 throws it in front of him to the line of police officers who  
14 were standing there blocking the rioters from progressing  
15 forward.

16           And by the defendant's own statements, these are the  
17 officers that he says he's been watching for an hour, right,  
18 commit what he calls Rodney King style assaults on innocent  
19 protesters, the people he says started it, the people he says  
20 incited the crowd, the people he says were doing wrong that  
21 day.

22           By this point in the day, he's angry. He's angry at  
23 the police. And so when the flagpole comes and it breaks off  
24 in his hand, it doesn't matter -- it doesn't have to be  
25 premeditated. He doesn't have to have thought about it for two

1 weeks beforehand. When he gets it, he takes it, and to get rid  
2 of it, he hurls it like a spear forward at the line of  
3 officers. That is an intent to use force to interfere with,  
4 oppose, resist, et cetera, the officers.

5 Now, whether it was plastic, some other material, who  
6 knows. But yes, it changed direction in the air, as Your Honor  
7 has noted. And, you know, it appears to have struck someone,  
8 as I will show you in a moment, struck the group of officers.  
9 But, you know, no one recoils from that, right? No injuries  
10 happen.

11 He says, If I wanted to hit someone, I would have.  
12 Well, maybe if we handed him a steel pole, but if it's made of  
13 something else, if I hand him a paper airplane, it might not go  
14 precisely where he wants it to. But it certainly flew directly  
15 toward the line of officers. And that's important because of  
16 his own admission, things go where he throws them, right,  
17 intentionally? So he wasn't trying to throw it over there and  
18 it accidentally went toward the line of officers. Powerful arm  
19 with good aim. It goes right towards where he wanted it to.

20 So here's the closeup of him. And you can see the,  
21 you know, leaning back, using the might, trying to throw it  
22 forward like a spear right to the officers. There are other  
23 things he could have done with it including drop it if he's  
24 just trying to get rid of it.

25 All right. Let me get out of here and show you the

1 video. I will show you two angles. The first is from sort of  
2 an aerial view, and the second is going to be from right behind  
3 the defendant.

4 So you can see the circle indicates the defendant.

5 (The videotape was played.)

6 MR. GORDON: I will play it again, but he appears to  
7 hit this group of officers here (indicating). You can see this  
8 officer take a step back, right, the officer in the white face  
9 mask and the hat? One more time, it appears to hit him or hit  
10 next to him, and then he takes a step back.

11 (The videotape was played.)

12 MR. GORDON: It's right in front of him. It's sort of  
13 right in front of him and bounces down. He takes a step back  
14 having seen the item come towards him.

15 Now, same throw, assault No. 2, from behind the  
16 defendant.

17 (The videotape was played.)

18 THE COURT: Okay. Thanks.

19 MR. GORDON: Now, it doesn't require intent to injure  
20 to still be guilty of that offense for the reasons I have  
21 pointed out already.

22 Now moving on to assault No. 3 in Count 6. He's  
23 raised three defenses to this. He claimed he was falling,  
24 right? That's why he pushed, because he was stumbling and this  
25 officer was moving back into him. He's argued that no victim



1 testified so there can't be a crime and that we can't prove the  
2 officer -- or the victim was a law enforcement officer.

3 First, you can tell from the screenshot here that the  
4 person the defendant shoves, the officer or the person right in  
5 front of him, that that is a law enforcement officer. He's  
6 wearing the same helmet and face shield that you can see the  
7 large group of Capitol police officers wearing just to that  
8 person to the defendant's right, our left, on the screen, the  
9 same kind of black clothing and the hard gear that was issued  
10 to the Civil Disturbance Unit or CDU officers that we have  
11 heard testimony about and seen many pictures of.

12 It is abundantly clear that that person is not a  
13 protester, that they are, in fact, a law enforcement officer.  
14 Your Honor knows, of course, that we don't need a victim for  
15 that.

16 And in terms of the video of this, you have already  
17 seen that from Mr. Jones many times. You can see the defendant  
18 fully extends his arms, pushes forward, and at the time he  
19 does, he is standing straight up and down. That's what the  
20 side view helps you see, that at the moment of impact, the  
21 defendant is still with his body leaning forward. He is not  
22 falling backward. Whether he did after that is a different  
23 story, irrelevant.

24 What happened was there was an officer separated from  
25 the group in the crowd, and the defendant, angry because of

1 everything he's testified about, took advantage and shoved that  
2 officer in the back.

3 Now, is it a brutal assault? No. We are not arguing  
4 that it is. Is it sufficient to meet the elements of 111(a)?  
5 Yes. And that's all that is required. He used force and in  
6 doing so, he impeded, interfered with, or opposed a law  
7 enforcement officer while that officer was in the course of his  
8 official duties.

9 The defendant has also claimed implicitly, he hasn't  
10 really hammered this, but he has at least suggested that his  
11 actions were motivated by what he saw as unlawful police  
12 violence against other rioters like himself. This was the  
13 subject of a pretrial motion in limine by the government. It  
14 is addressed already by the proposed jury instructions. But  
15 this isn't a defense a defendant can just throw out there and  
16 expect to have the benefit of without meeting certain  
17 requirements. It's worth going through those here because he  
18 hasn't met any of them.

19 First, he would have to establish that he had an  
20 actual belief -- all right, think about assaults 1 through 3 --  
21 that he had an actual belief that another person is in  
22 immediate, immediate, danger of unlawful harm. So it's not  
23 good enough if he saw someone in the distance that the police  
24 were beating, and it's not good enough if 30 seconds earlier he  
25 saw them push a woman to the ground and then he responded.

1           You can't use violence in that way and claim it is  
2 defense of another. That's not how it works. Those incidents  
3 were over.

4           And, in fact, as Mr. Jones pointed out in the  
5 cross-examination today, this woman that the defendant was  
6 apparently incensed by the police treatment of who had sort of  
7 shaken the barricades and then they pushed her to the ground,  
8 she was already back up on her feet being tended to by other  
9 rioters, right? That incident was over at the time the  
10 defendant surges through the break in the line, joins the scrum  
11 attacking the officers, and kicks Officer Collins.

12           But even if he had met the first element, he would  
13 have to show the belief was reasonable. He would have to show  
14 that he used no more force than was necessary.

15           And then these last three are particular for when the  
16 victim is a law enforcement officer. He would have to show  
17 that the law enforcement officer was not acting within  
18 legitimate scope of official duties. He can't show that here.

19           The officers who were arranged in the line blocking  
20 rioters from progressing further were doing exactly what they  
21 were trained to do and exactly what they had to do on that day  
22 to prevent the riot from progressing further. His force must  
23 have been reasonable. And finally, he can't have been the  
24 initial aggressor.

25           As he testified himself, the defendant, he didn't see

1 Officer Collins do anything to anyone.

2 So anything he did to Officer Collins, he was the  
3 aggressor. You also saw him on video. He surges forward. He  
4 goes through the line. He approaches the crowd on the ground.  
5 And that's when he does the kick, which brings us to assault 4,  
6 the shove of Officer Karlsen.

7 He's made two defenses. First, Officer Karlsen was  
8 already falling, right? Not my fault. It's the floor. It's  
9 the shield. That's why he fell.

10 That may have made the fall worse, but it's not why he  
11 fell. The video shows the defendant leaning forward, his body  
12 at a 45-degree angle shoving Officer Karlsen in the chest right  
13 at the moment when Officer Karlsen turns his head.

14 So the defendant, instead, because he can't do  
15 anything with that, right, he minimizes it, I touched the  
16 shield, says, I did it because it was a split-second reaction.  
17 I freaked out. I heard someone say or I'll shoot, and the  
18 officer looks down and his hand is going towards his right hip,  
19 so I thought he was going to pull his gun and shoot me, right?  
20 That's the argument, right? I was in imminent fear of death.  
21 I thought this officer was going to pull his gun and shoot me  
22 from point-blank range, so I shoved him to the ground. That's  
23 the claim.

24 That defense is not credible because it relies on two  
25 things. One, you have to believe that garbled audio recording

1 contains that. I didn't hear it. Your Honor will judge for  
2 yourself whether you did. And that the defendant heard that  
3 and formed all the thoughts that he says he did and then  
4 reacted by pushing Officer Karlsen in the chest.

5 So you've got to believe the defendant. So why  
6 shouldn't you believe the defendant?

7 Well, first, the minimization, right? As you,  
8 yourself, pointed out, he says, Oh, I admit that I touched the  
9 shield. Come on, man. Like, we have all watched the same  
10 video 20 times. You can't just admit, Yeah, I shoved him in  
11 the chest hard, absolutely. I thought he was going to shoot  
12 me, so I used all my force, right? I was terrified. I thought  
13 I was going to die. So I took my whole weight and I shoved as  
14 hard as I could right in the chest. That would be more  
15 believable than what this guy did.

16 I was in total fear for my life, so I touched the  
17 shield. I didn't even use my full force, right, the sort of  
18 like chuckle to himself, like, oh, if I had, I am so strong,  
19 that guy would have gone flying, right? That's the suggestion.

20 So he wants us to believe both that he was in imminent  
21 fear of being shot in the chest at point-blank range and  
22 killed, and in that moment, he just touched the shield. It's  
23 bananas. It's ridiculous.

24 He wants us to believe that when he posts on Facebook  
25 threatening on January 2, Nancy, that's not the worst thing

1 that's going to happen to you this week and she should be  
2 afraid of us, that he's referring to Nancy Sinatra. That's  
3 what he wants us to believe. Did she have a concert that week  
4 that he was planning to attend? She had some sort of other  
5 event? She had some reason why she needed to be afraid of  
6 Trump supporters? It's nonsensical, but that's he what he  
7 stood up here and said. It was Nancy Sinatra. That's who I'm  
8 talking about. Absurd.

9 He wanted you to believe that he was clapping when the  
10 wooden board is thrown at the officers because an officer  
11 caught it, the same officers that he's incensed that they are  
12 beating people and they're firing rubber bullets  
13 indiscriminately or gassing the crowd. He wants you to believe  
14 that he was happy when they caught the board like a foul ball  
15 at a baseball game. Again, it's a ridiculous claim.

16 What is consistent with the rest of the evidence is  
17 that he was happy when the officer got hit with the board  
18 because he was angry at these officers.

19 He told you that it was Misty, his girlfriend, who  
20 wanted to go up from the lower west plaza to the upper west  
21 terrace. I just showed you the cell phone video that  
22 Ms. Visnovec recorded herself where it's the defendant who  
23 says, You want to go up there? He asks her on the video. But  
24 he tells you today that it was her. She's the one that wanted  
25 to go up.

1           And most importantly -- we are going to circle back to  
2 this one towards the end -- two weeks ago he told you and he  
3 asked through his son that the things he said online were  
4 trolling, right? And I assume Your Honor is familiar with the  
5 term, but just in case you're not, a troll is like an old  
6 bridge troll in a fairytale, someone who says things online to  
7 generate a reaction from others. They like the fight. They  
8 like the chaos. So he's claiming that he is just posting this  
9 stuff online to get a reaction.

10           But that's what he said two weeks ago, and yet today,  
11 Mr. Jones says, All right. You are trolling? You say that  
12 these posts are the government misinterpreting them, that we  
13 are overreading them, that we are taking them out of context,  
14 and you are really just trolling? Fine. Let's go through them  
15 one by one. Is that sentence trolling? Is that sentence  
16 trolling?

17           And what does the defendant do when Mr. Jones does  
18 that? I don't know. I can't tell if I'm trolling or not. Who  
19 knows? I can't see the whole thing. Beats me. Who could ever  
20 tell? Probably not even me.

21           That's his reaction to the trolling. He brought it  
22 up. The trolling is not something we brought to the case. He  
23 raised that. Now, when actually pressed on it, he didn't quite  
24 track what Mr. Jones was doing, so he thought admitting to  
25 trolling was the bad thing, right? He thought that Mr. Jones

1 wanted him to say yes, I was trolling. So he's doing  
2 everything he can to squirm away from saying yes, I was  
3 trolling.

4 Quite the opposite, right? By refusing repeatedly to  
5 state that any one of his statements were trolling, he's  
6 undercutting his own justification for those things. He's  
7 showing no, they are all serious. So he's not credible.

8 But let's say for a moment you decided to credit him.  
9 Let's say you decide, for the sake of argument, to credit the  
10 idea that he believed he was in imminent danger. That belief  
11 would have to be reasonable.

12 Is it reasonable to believe that Officer Karlsen in  
13 that situation when, according to the defendant, because we  
14 have to sort of credit his version, according to the defendant,  
15 he wasn't doing anything other than standing in front of  
16 Officer Karlsen, like, trying to make peace, trying to calm  
17 things down, trying to help the officers escape so that they  
18 didn't get hurt. That's what he says he was doing.

19 So in his -- so to believe him, to credit him and to  
20 find his belief reasonable, you would have to believe -- you  
21 would have to accept that it was reasonable to think that  
22 Officer Karlsen was going to shoot him at point-blank range for  
23 telling Officer Karlsen, I'm trying to keep you safe. You  
24 should evacuate. That's absurd.

25 You would have to still find that Officer Karlsen was



1 not acting within the legitimate scope of his official duties,  
2 and the defendant can't have been the aggressor, again. So  
3 defense of self doesn't hold either.

4 Theft of the shields, he's raised two arguments. He's  
5 claimed the shields were abandoned, so I guess fair game for  
6 him at that point. And I saw officers using them as weapons,  
7 and I wanted to stop that.

8 It wouldn't matter if the shields were abandoned.  
9 Officer could have left a pile of shields on the center of the  
10 Capitol terrace and all gone inside. They could have left them  
11 there overnight. It still wouldn't matter. That doesn't make  
12 them abandoned from a legal sense. It doesn't make them fair  
13 game for anyone to take.

14 They are not the defendant's property. They were the  
15 government's property. By taking them and passing them back,  
16 he deprived the government of the use. It does not have to be  
17 a permanent deprivation. It only has to be a temporary one to  
18 satisfy the law.

19 Mr. Mock wants us to talk about the law. He thinks we  
20 haven't. Mr. Mock has the disadvantage of believing himself to  
21 be very smart but to not have been very educated about the law.  
22 He doesn't understand the requirements of 641. He doesn't  
23 understand the requirements of 111. And he didn't understand  
24 the requirements of 1512.

25 Whether the shields had been left behind by retreating

1 officers or not, he did not have the right to pick them up and  
2 take them and pass them back to the crowd. He is stone cold  
3 guilty of that.

4           Similarly, he saw the officers using them as weapons.  
5 He thinks he has the unilateral right to decide whether to  
6 disarm police officers. Who gave him that power? And why does  
7 he think he has it?

8           Finally, he knows that he took them because he tells  
9 that to his best friend in a private conversation. He's not  
10 trolling his best friend, right? He's in a private text  
11 message conversation bragging about what he did, right? I got  
12 sprayed directly three times. I took a flash-bang. I took  
13 down at least six cops. I did all this awesome stuff.

14           His best friend says, I got clubbed and had to go to  
15 the wall to regroup, but I made it up here. Nice, right?  
16 High-fiving his best friend verbally.

17           Then more, Also I took three gates, two shields, and a  
18 bunch of equipment. I shouldn't have thrown them, meaning like  
19 shouldn't have gotten rid of them, should have held on to them.

20           So that brings us to the two counts, Count 1 and 2,  
21 that are sort of the overarching ones that cover all the  
22 defendant's conduct.

23           First, civil disorder, Count 2, everything that the  
24 defendant did that I have gone through counts towards civil  
25 disorder. All you have to find is one of those acts and he's

1 guilty of civil disorder, any of it. Any of the four assaults,  
2 stealing the shields, even just moving the bike rack  
3 barricades, which is not a separate charge, but it's sufficient  
4 to make out civil disorder.

5           So he raises two general defenses. He says, I thought  
6 I had a right to be there. So everything I did was justified  
7 because, hey, the Constitution says people have a right to  
8 peacefully assemble and address our grievances. This is where  
9 I wanted to be to address my grievances. I wanted to be in the  
10 front of the Capitol. I had a right to be there, and so  
11 anything I did, I was in the right. Police were in the wrong.  
12 They should have left. They should have retreated. The  
13 problem was because they wouldn't go. This is his words just  
14 now in his closing. They weren't acting right. They needed to  
15 go. That's what he said, right?

16           He doesn't get to choose that. He was resisting law  
17 enforcement officers responding to a riot, responding to a  
18 civil disorder carried out by three or more people. That's the  
19 law. It's way more than three people. The officers are trying  
20 to clear the space. He refused to go. That's civil disorder  
21 by itself. He removed the bike rack barricades further  
22 impeding them. He assaulted them further impeding them. The  
23 fact that he believed he had a right to be there is irrelevant.

24           Finally, he blames the police. It's their fault.  
25 They incited the crowd. He has no idea what any of the people

1 who got arrested did except for the guy who broke the windows.  
2 He doesn't see what happened before that. He doesn't know why  
3 the police responded as they did. And he certainly didn't  
4 understand that they were trying to clear the plaza, or at  
5 least he pretended not to because he's like, I'm not going to  
6 leave.

7 If there was anything more the police could have done  
8 to say you're not welcome here than wear riot gear, spray OC  
9 spray into the crowd, shoot rubber bullets, and play a loud  
10 speaker announcement, I don't know what it is.

11 The rioters, like him, refused to leave. The police  
12 had to escalate accordingly. The fact that he's upset by their  
13 tactics doesn't matter, doesn't change his guilt.

14 And finally, that's not what he even said in his  
15 private conversations. What he says, his son texts him in the  
16 middle of it, Are you okay? His son is checking on his dad.  
17 His dad doesn't say, Yep, I'm fine. It's sort of scary out  
18 here. The police are being crazy. They are assaulting people.  
19 No, no, no. What he says is, It was a hell of a fight.

20 Son, What happened?

21 We got gassed bad. Misty got hurt a little. Me and  
22 Connor got clubbed. I got mine, right? I got a piece.

23 You got what, from his son.

24 Response, I did some damage.

25 He makes it very clear.

1           Is he okay? It was a fight, yeah. And I got mine,  
2 right? I did some damage. To who? To police officers.  
3 That's what he's bragging about.

4           So we have talked about the unlawfully entering and  
5 remaining many times. He's focused exclusively on the entering  
6 part. Remaining is just as much of a crime. I didn't see  
7 barricades. He removed barricades. No one told me I couldn't  
8 be there.

9           Having video trouble with one of the government's  
10 exhibits. I will get Mr. Jones in a moment to tell me which  
11 one. You can actually hear on the loudspeaker, on the  
12 defendant's own cell phone video that he recorded as he's  
13 standing in the crowd panning, you hear the loud police sort  
14 of, not just megaphones, the actual speaker system saying, This  
15 is a restricted area, right, commanding people to leave.  
16 Defendant ignores that. The idea that no one told him he  
17 couldn't be there is ridiculous.

18           And Mr. Jones is reminding me it's 913. Let's see if  
19 this is it.

20           (The videotape was played.)

21           MR. GORDON: Okay. You hear the loud buzzes. You  
22 hear, This is the Metropolitan Police Department. This is now  
23 a restricted area. Then at the tail end, you hear a rioter  
24 right next to him say, Yeah, this is now a restricted area. He  
25 knew.

1           So finally we come to, you know, the most important  
2 charge in the case, the top charge in the case, and the one  
3 that turns really on do you believe the defendant's words  
4 before January 6 that he posted online that he never thought  
5 would be discussed in a courtroom, the ones that he wrote to  
6 his friends and family and followers, the ones he said to his  
7 son, his best friend, and his girlfriend. Do you believe those  
8 words, or do you believe the ones he said today after two and a  
9 half years to plan it, after two more weeks after our case  
10 closed? Do you believe those words?

11           Because here's what he claims about why he's not  
12 guilty of obstruction of Congress. He says, I just wanted  
13 Congress to investigate further. I didn't actually want the  
14 certification to be obstructed. I just wanted them to be more  
15 careful before they certified. That's his claim.

16           And he says, I just wanted to peacefully protest. I  
17 wanted to be there so the objecting congresspeople could look  
18 out the window and see people outside like me and sort of know  
19 that they weren't alone.

20           He says all the incendiary statements he makes on  
21 line, those are just trolling. And then he says he couldn't  
22 possibly have obstructed because he never went in.

23           I am going to deal with each of these four. First,  
24 the idea that he just wanted Congress to investigate further,  
25 it actually does our work for us. He has acknowledged

1 repeatedly and again today, I, Brian Mock, knew that on  
2 January 6, 2021, Congress was meeting to vote to certify the  
3 election. I didn't know what time, but I knew that was  
4 happening on that day by those people in that building.

5 And he has said that, I didn't think that should  
6 happen. I thought it was premature. I thought that there  
7 needed to be more investigation of evidence of fraud.

8 He did not want the certification to go forward, full  
9 stop. He has said it online. He has essentially said that  
10 today. That was where he was.

11 And in order to help make that happen, he says he  
12 wanted to be there so Congresspeople would look out the window  
13 and feel encouraged. But that doesn't track. Lots of people  
14 showed up on January 6 wearing clothing, carrying signs or  
15 flags that expressed a political viewpoint, something that  
16 someone could potentially look out the window and see and have  
17 an indication.

18 Mr. Mock is dressed in a way, he carries no sign, he  
19 carries no flag, he is wearing no clothing whatsoever that does  
20 anything to show what side he might be on. Nobody could look  
21 out the window and see Mr. Mock and feel encouraged or  
22 discouraged, couldn't know if he was there as a protester or as  
23 counterprotester, a supporter of certification or an opponent  
24 of certification. So that idea doesn't make any sense.

25 Further, that's completely inconsistent with what he's

1 posted online. There's lots of exhibits that address this, but  
2 this one is from January 3. This post is, I think, the most  
3 damning for Mr. Mock because here he is very explicit about  
4 what he thinks needs to happen. Once you understand fixing the  
5 situation involves nothing short of total rebellion, a  
6 redeclaration of independence, a thoroughly cleansing of our  
7 political judicial system, complete upheaval of the monetary  
8 system economy, a complete destruction of the federal  
9 government, and a new set of laws, rules, and way of life put  
10 into place for this country, once you understand that, you have  
11 to do what's necessary. Prepare for what is coming and be  
12 willing to act or get out of the way. Sic semper tyrannis.  
13 This is our rallying cry and the measure of our resolve. No  
14 more talk. D.C. 1/6/21.

15 All right. So there's a lot in here. The defendant  
16 has suggested today that what he really wants is economic  
17 reform. That's his focus. The problem is bankers.

18 That's not what's here. That's one of many things,  
19 but he says generally we need a thorough cleansing of the  
20 political judicial system, a complete destruction of the  
21 government, right? This is a call for full on revolution.  
22 This is the 1776 all over again.

23 He says, No more talk. And notice the phrase, And the  
24 measure of our resolve, D.C. 1/6 --

25 THE COURT: I did hear this a lot. You have now



1 spoken longer than Mr. Jones. I will give you just a couple  
2 minutes to wrap up. Thank you, Mr. Gordon.

3 MR. GORDON: I appreciate that, Your Honor. You are  
4 right, and I will wrap up.

5 You have seen these posts. I won't belabor them.  
6 What I do want to address is the defendant's sort of claim that  
7 sic semper tyrannis is, you know, as he says, just a slogan.  
8 All right. Well, what is a slogan? Because we are just  
9 engaging in wordsmithing here.

10 A slogan is a word or phrase, and I'm not quoting from  
11 Webster's here. I'm quoting from the Michael Gordon  
12 dictionary, but generally speaking a slogan is a word or phrase  
13 used to sell something or evoke something. It's meant to sum  
14 up a political party or a product or stores. It's a message.  
15 It's pitch. It's general vibe, right, in one short, pithy  
16 expression. That's what a slogan is.

17 So for the defendant, he repeats sic semper tyrannis  
18 not only in connection with, hey, everybody come join my grass  
19 roots third party. That's not how he uses it. He uses it both  
20 before and after January 6 as a rallying cry to achieve the  
21 goals he sets out in this post and others, the blocking of the  
22 certification, the overthrow of the government, right, the  
23 restarting of the political system.

24 That's what he -- and then after January 6, when  
25 people are talking about the event, he says, essentially, like,

1 Yeah, sic semper tyrannis. Thus always to tyrants. Exactly.  
2 This wasn't a day that got out of control. That's not what he  
3 says. That's not how he reacts to it. This wasn't something  
4 to regret. This was exactly what is supposed to happen.

5 And so the invocation of sic semper tyrannis is  
6 important in this case because it's a window into the  
7 defendant's justification beforehand and his support afterwards  
8 that makes a through line that's consistent. And what he said  
9 today is inconsistent with all of that.

10 Your Honor, he was just as evasive as you noted, and  
11 he was just as incredible. What he has done is commit every  
12 one of the crimes the defendant has been accused of, and you  
13 should find him guilty of all of them.

14 Thank you.

15 THE COURT: All right. Thank you very much. All  
16 right. We will come back for the verdict at 9:30 tomorrow  
17 morning. 9:30.

18 Yes, Mr. Mock.

19 Oh, sure.

20 Thank you very much everybody. Appreciate it. Have a  
21 good evening. See you at 9:30.

22 (The trial adjourned at 5:02 p.m.)

23 - - -

24

25

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

8/23/23

s/ Tammy Nestor  
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65/6 65/8 65/9 65/12	99/1 99/4 99/7 99/10	133/11 134/4 134/4	young [1] 33/23							
65/15 65/15 65/19	99/12 99/14 99/14	134/6 134/12 135/8	your [136] 3/9 3/23							
65/21 65/21 66/5 66/6	99/16 99/18 99/20	135/9 135/19 136/6	4/12 10/6 10/16 11/5							
66/10 66/12 66/14	99/25 100/3 100/4	136/8 136/14 136/20	13/15 14/18 15/9							
66/18 66/21 66/22	100/7 100/11 100/14	137/18 137/18 138/13	15/23 17/19 19/4							
67/1 67/2 67/2 67/6	100/24 101/7 101/8	138/17 139/25 139/25	19/22 20/2 25/10							
67/7 67/9 67/9 67/14	101/22 103/2 103/16	140/1 140/5 141/17	29/11 32/19 45/6 57/4							
67/21 67/23 67/25	103/16 103/21 103/25	145/5 146/10 146/11	57/5 57/6 57/12 57/20							
68/6 68/9 68/10 68/13	103/25 104/9 104/15	146/23 149/4 149/5	58/5 58/9 59/8 61/1							